

Hosseinzadeh v. Klein, et al - 16-cv-3081 (KBF)  
Plaintiff's Motion for Partial Summary Judgment

## **Exhibit 6**

1 A I can't speculate.

2 Q Did you, at any time during your studies,  
3 critique literature? Apart from poetry, I mean.

4 A Yes.

5 Q Can you give me any examples, if you  
6 recall?

7 A You know, just writing an essay about a  
8 book, kind of standard stuff.

9 Q I'm assuming, over four years, there were  
10 numerous books that you critiqued. Or can you just  
11 think of one?

12 A I can't recall a specific title.

13 Q What -- was there more than one that you've  
14 critiqued?

15 A Yes.

16 Q All right. But -- but definitely no film;  
17 right?

18 A No film.

19 Q Okay. So in your four years of study,  
20 you've never critiqued any audio-visual work?

21 A I can't recall.

22 Q Did you go into any study after your  
23 bachelor's degree? Or was that where it ended?

24 A It ended there.

25 Q And what did you do after you graduated

1                   And are you -- are you literate in Hebrew?  
2           I'm assuming not, if you said you didn't speak  
3           Hebrew.

4           A       No.

5           Q       So your role was to edit English language  
6           marketing articles?

7           A       Correct.

8           Q       And how long did you do that for?

9           A       Five years.

10          Q       And just so I have the dates, you said you  
11       graduated from Santa Cruz in 2009; is that correct?

12          A       I can't recall the specific year, but to  
13       the best of my knowledge, that is correct.

14          Q       Okay. So to the best of your knowledge,  
15       2009 through, would you say, 2014, you worked for  
16       this marketing company in Israel?

17          A       Yes.

18          Q       All right. And what did you do after that  
19       for employment?

20          A       I started doing YouTube at that -- after  
21       that. I quit working there because my YouTube  
22       channel had started picking up.

23          Q       And when you say your "YouTube channel,"  
24       what are you referring to?

25          A       h3h3 Productions.

1 Q Was that your first YouTube channel?

2 A Yes.

3 Q And when did you start that?

4 A I would say -- I can't recall the specific  
5 date; but if I had to estimate, I would say 2010.

6 Q So you were still at the Israeli marketing  
7 company when you started your YouTube channel?

8 A Correct.

9 Q Okay. And what kind of content did you  
10 post to that channel?

11 A Comedy.

12 Q When you say "comedy," was it comedy of  
13 films of yourself? Or some other films? Can -- can  
14 you just elaborate on that?

15 MR. BAR-NISSIM: Objection. Vague and  
16 ambiguous.

17 BY MR. BUKHER:

18 Q Well, when you say "comedy," what do you  
19 mean by that?

20 A Videos intended to make my audience laugh.

21 Q Okay. Were these videos of yourself?

22 A Yes.

23 Q Did you ever feature other people in those  
24 videos?

25 A Yes.

1 I didn't --

2 THE WITNESS: Can you clarify your  
3 question?

4 BY MR. BUKHER:

5 Q Sure.

6 You said that your initial videos, for h3h3  
7 Productions, were comedy.

8 A Yes.

9 Q Is that correct?

10 A Yes.

11 Q And you said you sometimes used other  
12 people's videos --

13 A Correct.

14 Q -- for --

15 Okay. And did you use them for the comedic  
16 value?

17 A No.

18 Q Okay. What did you use them for?

19 A Because I had something critical to say  
20 about them.

21 Q And in saying something critical about  
22 them, did that serve the purpose of comedy for your  
23 initial videos?

24 A Yes.

25 Q Okay. So saying something critical about

1 channel? Or -- or am I confusing that with  
2 something?

3 A You seem to be confused.

4 Q Okay. Can -- can you clarify for me then?

5 A Well, there's -- there's a name of a  
6 channel, and the -- the URL of a channel are  
7 different.

8 Q Okay. When I say "h2h2," what am I talking  
9 about?

10 A You're -- you're referring to the URL.

11 Q Okay. And what is that the URL of?

12 A Ethan and Hila.

13 Q Okay. So when I say "h2h2 channel,"  
14 really, I'm just referring to the URL of the Ethan  
15 and Hila channel; is that correct?

16 A That's fair.

17 Q Okay. And what's the URL of the h3h3  
18 channel?

19 A h3h3 Productions.

20 Q Okay. And, again, just to be clear for the  
21 record: What's the proper URL of the Ethan and Hila  
22 channel?

23 A h2h2 Productions.

24 Q All right. Were there any other channels  
25 that you ever ran for comedic purposes? Or were

1 Q Is there any way for you to log into the  
2 Ethan and Hila channel other than via the  
3 HilaLilushKlein@gmail.com account?

4 A No.

5 Q Now, going back a bit to the content that's  
6 on the h3h3 channel.

7 Is that similar to the content that's on  
8 the H- -- on the Hila and Ethan channel?

9 A Yes.

10 Q Do the two channels have identical purpose?

11 MR. BAR-NISSIM: Objection. Vague and  
12 ambiguous.

13 THE WITNESS: Can you -- can you clarify --  
14 clarify your question?

15 BY MR. BUKHER:

16 Q Yeah, that's fair enough; I wasn't being  
17 clear. I'm sorry.

18 You said earlier, that the H2- -- h3h3  
19 channel, its purpose was to showcase comedy videos;  
20 is that correct?

21 A Correct.

22 Q Is that still its purpose today?

23 A Yes.

24 Q Has that always been its purpose?

25 A Yes.

1 Q Okay. Now, switching over to Ethan and  
2 Hila channel, is -- has -- is the purpose of that  
3 channel to showcase comedy videos?

4 A Yes.

5 Q Has --

6 A No. Not entirely, no.

7 Q -- it always been --

8 A Well, yeah. Yeah. No. Comedy, yeah,  
9 sorry, it is comedy videos, yes.

10 Q Okay. And has it always been its purpose,  
11 to showcase comedy videos?

12 A Yes.

13 Q Do other -- do either of the channels  
14 showcase any other types of videos other than  
15 comedy?

16 A I -- I can't recall. But -- no, I can't --  
17 I can't recall any specific example.

18 Q And do you consider yourself a comedian?

19 A Yes.

20 Q Or -- or a comic personality, would that be  
21 accurate?

22 A Yes.

23 Q Do you consider yourself a literary critic?

24 A No.

25 Q Do you consider yourself a film critic?



1 A No.

2 Q Does the term, "reaction video," mean  
3 anything to you?

4 A Yes.

5 Q What is your understanding of the term,  
6 "reaction video"?

7 A In the way that -- that we use it, it  
8 refers to us giving a critical analysis, parodying,  
9 commentating on a specific video or -- and in most  
10 cases, a specific video.

11 Q When you say "specific video," do you mean  
12 your own video?

13 A No.

14 Q You mean some other person's video?

15 A Yes.

16 Q Okay.

17 MR. BAR-NISSIM: Tim, are we approaching a  
18 point where we could have a quick bathroom break  
19 sometime soon?

20 MR. BUKHER: Yeah. Mr. Klein -- and if you  
21 don't mind, I'll -- sometimes I might refer to you  
22 as Ethan, but if you mind, let me know.

23 THE WITNESS: I don't mind.

24 MR. BUKHER: If, at any point, you want  
25 to -- thank you.

1           A     In what kind of way? I'm not sure I know  
2     what you're referring to.

3           Q     Well, I'm not sure either, I'm not as  
4     sophisticated about this, I'm hoping that you can  
5     walk me through an understanding of, you know, how  
6     one gets to become as popular of a channel as h3h3.  
7     But let me back up, I'll form a foundation on that.

8                     Does h3h3 Production have subscribers?

9           A     Yes.

10          Q     What is a subscriber on YouTube?

11          A     It's someone who has clicked a subscribe  
12     button.

13          Q     When you say "someone," it's a, what, a  
14     channel viewer?

15          A     A person with a YouTube account or a  
16     YouTube channel, a Gmail account, has clicked  
17     subscribe on your channel.

18          Q     And how many subscribers or about how many  
19     subscribers does h3h3 have?

20          A     About 3 million.

21          Q     Do you know, roughly, how many subscribers  
22     Ethan and Hila have? The channel?

23          A     About one million.

24          Q     Do you have any theories as to the  
25     difference?

1 MR. BAR-NISSIM: Objection. Speculation.

2 THE WITNESS: No. I have no theories.

3 BY MR. BUKHER:

4 Q Do you actively monitor the amount of  
5 subscribers of each channel?

6 A I check from time to time.

7 Q Why?

8 A It's my -- it's my job, so I have some  
9 interest in it.

10 Q What do you mean, it's your job?

11 A It's my -- I mean, you know, it's my --  
12 it's my -- it's my work.

13 Q Running the channels is your only source of  
14 living right now; is that fair?

15 A Yes.

16 Q So is it accurate to say that you're fairly  
17 active in checking the subscriber numbers of the  
18 channels?

19 A How would you define "fairly active"?

20 Q Do you check them once a day?

21 A No.

22 Q Do you check them once a week?

23 A That's accurate.

24 Q When you say a channel is active, that  
25 means it has a lot of views; is that what you meant

1 foundation.

2 THE WITNESS: I did not seek --

3 BY MR. BUKHER:

4 Q When you --

5 A Go ahead.

6 Q You said you weren't seeking to garner  
7 exposure for your channels?

8 A The collaborations were more about making  
9 videos with my friends. Exposure happened as a  
10 result.

11 Q Are you a member of any advertising  
12 networks?

13 A Can -- no.

14 Q Okay. Do you know the -- what I'm  
15 referring to, when I say the Omnia networks?

16 A Yes.

17 Q What is that?

18 A That is a YouTube network.

19 Q And what's the purpose of that network?

20 A It's a bit of, like, an agency for YouTube.

21 Q What do they do?

22 A Well, that is to -- they've -- they've  
23 brought up brand deals, I suppose, is -- is what  
24 they've done for us thus far.

25 Q Can you elaborate on that? I don't know

1 your industry at all.

2 A Yeah. Sure. They brought us, for example,  
3 like we did an advertisement. Like we posted  
4 something on Instagram, and they -- and they paid us  
5 for it. Or they, you know, someone went through  
6 them to get to us to pay them -- to have someone pay  
7 us to put something on Instagram, for example.

8 Does that clarify for you?

9 Q Yeah. It does.

10 And -- and you're -- so you're a member of  
11 the Omnia network; is that correct?

12 A Yes.

13 Q Now, your YouTube revenues for the  
14 channels, do they come to you through the Omnia  
15 network?

16 A Yes.

17 Q They don't come through YouTube; is that  
18 correct?

19 A They go through YouTube to Omnia.

20 Q When you want to look at how much you've  
21 earned in any given month, do you look that up on  
22 YouTube? Or does Omnia give you a way to look at  
23 those analytics?

24 A I would look those up on YouTube.

25 Q So YouTube does have -- even though you're

1 other people's videos, other than with respect to  
2 this lawsuit?

3 A Can you define what getting in trouble  
4 means?

5 Q Have you ever been threatened with a  
6 lawsuit before?

7 A Yes. Once before.

8 Q When was that?

9 A That was during -- we made a video about  
10 SoFloAntonio.

11 Q And what was that video about?

12 A I don't recall the specific -- oh, yeah,  
13 right. It was in re- -- we were make -- if I  
14 recall, I -- I can't really speculate to -- to --  
15 I'll -- I'll make my best guess, as I -- as I  
16 remember it.

17 We made a video about SoFloAntonio, who is  
18 a prolific Facebook freebooter, and they accused us  
19 of defamation. Not copyright infringement.

20 Q Okay. And then just going back to our  
21 discussion about fair use, have you ever heard of  
22 the term, "transformative use"?

23 A Yes.

24 Q Aside from anything your attorneys may have  
25 told you, what is your understanding of that term?

1 MR. BAR-NISSIM: Objection. Asks for a  
2 legal conclusion.

3 THE WITNESS: As a lawyer, I can't really  
4 speculate as to what that means, but to my personal  
5 understanding, transformation means, in its essence,  
6 to change the meaning, the expression of the video  
7 that's being criticized.

8 BY MR. BUKHER:

9 Q Have you ever heard of that term,  
10 transformative, used before this lawsuit?

11 A Yes.

12 Q Was that based on your own research of fair  
13 use?

14 A Yes.

15 Q It wasn't from an attorney; is that  
16 correct?

17 A Correct.

18 Q Before this lawsuit, had you ever consulted  
19 an attorney on the question of fair use?

20 MR. BAR-NISSIM: Objection. Asked and  
21 answered.

22 THE WITNESS: I -- I -- I can't recall.

23 BY MR. BUKHER:

24 Q With respect to uploading your videos, over  
25 the last couple of years, it was never your policy

1 to consult an attorney to decide whether or not  
2 those videos were fair use; is that correct?

3 A On a case-by-case basis. That is, we did  
4 not consult an attorney every time we uploaded a  
5 video.

6 Q Was there a not case-by-case basis in which  
7 you consulted attorneys?

8 A I can't recall every -- every time we've  
9 consulted an attorney over the -- over the career.

10 Q All right. Whenever you uploaded a video,  
11 did you have a policy of analyzing its content  
12 yourself and deciding, based on your own research,  
13 that it was a fair use?

14 A Yes. In -- in editing, there was  
15 consideration.

16 Q Can you talk to me about that consideration  
17 of it? What was that process?

18 A So while editing, I was mindful to  
19 basically cut out as much of the original video as  
20 possible, and to make sure that we were commenting  
21 or critiquing every -- every segment that came  
22 before. So it was part one, reducing the amount of  
23 the original video. And part two, making sure that  
24 there was transformative use of it.

25 Q So would -- would your previous videos,



1 you're saying you were careful to only use so much  
2 of the original videos as was necessary for your  
3 commentary?

4 A That's correct.

5 Q Going to switch topics for a second, and  
6 ask you, if you know, who are the Fine Bros?

7 A The Fine Bros are a -- it's a YouTube  
8 channel.

9 Q What does that channel focus on?

10 A They make re- -- re- -- well, they make  
11 their own brand of reaction videos.

12 Q Okay. Well, I'm going to ask you to watch  
13 a six-minute video, which will give us just enough  
14 time to ask you a couple of questions about that  
15 video before we take lunch, so if you don't mind,  
16 we'll put on Exhibit No. 38 for you, please?

17 A Okay.

18 (Whereupon Exhibit 38  
19 was marked for identification  
20 by the court reporter and  
21 was retained.)

22 (Video played.)

23 THE WITNESS: It's -- it's finished, Tim.  
24 Are you there?

25 //

1 (At 1:44 p.m., the deposition of.

2 Ethan Klein was reconvened.)

3 BY MR. BUKHER:

4 Q Okay. So let's -- thanks for joining us  
5 again.

6 A Yes.

7 Q Let's start with a review of Exhibit  
8 No. 39, that's for the technician, it is a short  
9 video.

10 (Whereupon Exhibit 39  
11 was marked for identification  
12 by the court reporter and  
13 was retained.)

14 THE WITNESS: All right.

15 (Video played.)

16 BY MR. BUKHER:

17 Q So, you seem pretty upset in this video.

18 A Yes.

19 Q What were you upset about?

20 A Well, it was -- it was in my opinion that  
21 Fullscreen was misusing the -- the system in place  
22 to sensor me from criticizing one of their partners.

23 Q Which one of their partners were you  
24 criticizing?

25 A PrankInvasion.

1 industry practice to be. Not just in an overall  
2 definitive sense.

3 BY MR. BUKHER:

4 Q Well, let's assume that to the extent that  
5 I asked you about industry standard, I'm asking you  
6 to tell me what you meant when you said that there  
7 is a YouTube industry standard.

8 A What I meant is that there is a large  
9 community on YouTube, a standard practice of  
10 making -- making comments on other people's videos.

11 Q And -- and are you saying according to that  
12 industry standard, those types of comments are fair  
13 use?

14 A As I said previously, fair use, you know,  
15 is -- is judged on a case-by-case basis. Our  
16 certain category of reaction videos, I would say, in  
17 that specific case, in this specific video we're  
18 talking about, it was my opinion that it was  
19 objectively fair use.

20 Q So it was your opinion that the reaction  
21 video to PrankInvasion, that was taken down by  
22 Fullscreen, was a fair use?

23 A Yes.

24 THE REPORTER: I'm sorry. Was not?

25 MR. BUKHER: Was a fair use.

1 removed, and therefore no longer available to be  
2 viewed.

3 Q Okay. But -- but otherwise, as far as you  
4 know, there are no ramifications to your revenue  
5 when you receive a copyright strike?

6 A That is correct.

7 Q You seem very confident in this video that  
8 your reaction was a fair use. You said clearly that  
9 it was a fair use. Are you still confident that it  
10 was a fair use?

11 A It's been a long time since I've reviewed  
12 that video, so I don't want to make any statement to  
13 that now.

14 Q Was there a YouTube community controversy  
15 around this event, after you posted your video  
16 censorship on YouTube?

17 A Yes. You could say that.

18 Q And what was this controversy about?

19 A Well, I think the controversy was more  
20 about a large network of whom there were creators in  
21 that network, who did work similar to me, using its  
22 leverage to sensor another channel.

23 Q I'm not sure I follow. Can you clarify  
24 what you meant by network and members in the  
25 network?

1           A     Sure.  So Fullscreen is a YouTube network.  
2     In their network, there are channels doing similar  
3     content to me.  So it was -- without even  
4     considering fair use, it was very hypocritical of  
5     them to remove our video on the grounds of  
6     copyright, and it seemed like a transparent attempt  
7     to sensor us rather than judging it on its merit of  
8     fair use.

9           Q     And does this controversy arise as a result  
10    of your video, "Censorship on YouTube"?

11          A     I think that's accurate to say, yes.

12          Q     Was it a very popular video, "Censorship on  
13    YouTube"?

14          A     I don't recall the exact numbers.  I don't  
15    know how to gauge popularity.  Compared to what?

16          Q     Did it have more than a million views?

17          A     I don't actually recall.

18          Q     If it had more than a million views, would  
19    you say that it was pretty popular?

20          A     It's -- it's very relative.  I mean, not  
21    necessarily.

22          Q     But it was popular enough that it caused a  
23    controversy in the YouTube community?

24          A     Yes.

25          Q     And then, as a result of that controversy,

1 did Fullscreen remove their strike against your  
2 account?

3 A I don't know if it was as a result of the  
4 controversy. I do know that they had issued a  
5 statement saying they had it wrong. And I do know  
6 that the creator of the video, Chris, from  
7 PrankInvasion, had told me that he had no intention  
8 to remove it, and it was a general consensus on  
9 their part that it was due to an error and not  
10 because it was copyright infringement.

11 Q Sorry, I'm not following. You said Chris  
12 had no intention of removing the copyright strike?

13 A They -- on -- what Fullscreen had said is  
14 that it was an automated error, and they had no  
15 intention of removing it because -- on the basis of  
16 copyright infringement.

17 Q Oh, they had no -- sorry, I just want to  
18 clarify, they had no intention of removing the video  
19 you sent?

20 A It was a -- it was an automated error. And  
21 the CEO personally made a statement, I believe, if I  
22 recall correctly, saying they had got it wrong in  
23 that case.

24 Q So after you brought it to their attention  
25 with this "Censorship on YouTube" video, they

1 realized their error and reinstated your video?

2 A I believe that's a correct assessment.

3 Q Have you had many instances, where you've  
4 had takedowns of your video that proved to be  
5 unwarranted?

6 A Can you define many?

7 Q More than three.

8 A Can you can you re- -- restate the  
9 question? What was it?

10 Q Were there more than three instances, when  
11 you've had your YouTube videos taken down,  
12 and -- and -- and it was -- ended up being  
13 unwarranted?

14 A I don't recall the exact number, but it --  
15 I believe it may be around three.

16 Q Well, is it enough times for you to vent  
17 your frustration, with the process on YouTube, at  
18 least once?

19 A Can you -- are -- are -- I'm confused as to  
20 what you may be referring to.

21 Q Well, did you ever publish any YouTube  
22 videos venting your frustration about false  
23 copyright takedowns of videos?

24 A I believe we just watched one of them. To  
25 any other ones, I can't recall.

1 A -- was -- originated from Facebook.

2 Q Okay. So you're saying that there was a --  
3 YouTube had its own initiative to fight false  
4 copyright claims?

5 A That is correct.

6 Q And you -- do you know when that started?

7 A I don't recall the exact date, but it had  
8 happened, as I recall it, after our -- sometime  
9 around, after the initial video outlying, the we're  
10 being sued.

11 Q After we're being sued?

12 A Yes. To the best of my recollections.

13 Q Then let's do Exhibit 13.

14 (Whereupon Exhibit 13  
15 was marked for identification  
16 by the court reporter and  
17 is attached hereto.)

18 MR. BUKHER: And this one's a back and  
19 forth e-mail, so please just take your time reading  
20 through it to refresh your recollection.

21 THE WITNESS: Okay. Will do.

22 I -- I recall this e-mail.

23 BY MR. BUKHER:

24 Q Can you tell us what this is, Exhibit 13?

25 A Yes. This is an e-mail we received from



1 Matt Hoss demanding we remove his video, because it  
2 is digital piracy and copyright infringement.

3 Q And how did you respond to this?

4 A I believe I politely declined his  
5 invitation.

6 Q You said that this falls within the realm  
7 of fair use, did you not?

8 A Yes. I did say that.

9 Q What did you mean by that?

10 A As I -- as I've defined my understanding of  
11 fair use in previous conversations with you, fair  
12 use means that I've transformed his video, added new  
13 substance and commentary that has offered a new  
14 viewing experience to the audience.

15 Q That's what you meant by fair use when you  
16 wrote back? And again, I don't mean to be  
17 facetious, I'm just --

18 A I --

19 Q You know, we're talking about that  
20 particular e-mail, I want to --

21 A Yeah. No.

22 Q -- make sure that this is what you meant  
23 when you wrote this e-mail.

24 A Completely understood. As I said several  
25 times, previous to this e-mail, that is what I meant

1 to someone's attention, and then your video would  
2 get reinstated; is that correct?

3 A I hadn't drawn that causal conclusion  
4 myself. I don't think that it's something I have  
5 considered. I believe you're asking me to speculate  
6 a causal link, and I can't do that.

7 Q All right.

8 MR. BUKHER: Let's move on to Exhibit 41,  
9 which -- which we'll watch very quickly, and then  
10 we'll move forward.

11 I apologize. Can we please make that  
12 Exhibit 42? Sorry about that.

13 MR. BAR-NISSIM: Okay.

14 (Whereupon Exhibit 42  
15 was marked for identification  
16 by the court reporter and  
17 was retained.)

18 (Video played.)

19 THE WITNESS: We're finished watching it.

20 BY MR. BUKHER:

21 Q So what is that, that we just watched?

22 A That was the video entitled "Years Ago  
23 EXE."

24 Q Was that subject to that Marshal Pope  
25 takedown request?

1 A Yes.

2 Q Okay. And you said a minute ago that was  
3 when you used to do videos that were transformative,  
4 not due to your commentary, but to the way you  
5 edited them; is that correct?

6 A I don't recall what I said exactly, but  
7 essentially, we were, you know, transforming the  
8 visual aspect of it, and kind of using our edits to  
9 comment, instead of our words.

10 Q Okay. But you didn't verbally comment on  
11 the video, that's fair to say; right?

12 A I mean, clearly no. Yeah.

13 Q Yeah. So you -- you're saying you  
14 transformed it in the way that you edited it?

15 A That's correct.

16 Q Having seen it just now, what, in the way  
17 that you edited it, is transformative?

18 A Well, visually -- visually, it's a  
19 completely different experience than the original.  
20 The awkwardness is drawn out and highlighted, and I  
21 believe just if you -- if you take it on the art  
22 value, I believe those -- those older videos are  
23 more along the lines of art, I would say, and  
24 commentary, than more than commentary. So from an  
25 artistic view, it's visually completely transformed,

1 and the experience is completely different.

2 Q Can you tell me a little bit about the  
3 original, so that I understand the contrast?

4 A I don't recall the original video.

5 Q Is the original video longer than this?

6 A I believe so, yes.

7 Q Much longer? Again, I'm just trying to get  
8 an idea.

9 A I can't recall.

10 Q Okay. And what did you do to the original  
11 video, in this video? I'm happy to watch it again.  
12 It's very short, if you need -- need to review it  
13 again.

14 A Well, as I stated previously, we made it a  
15 new visual experience.

16 Q Well, can you give me examples of what you  
17 did?

18 A Sure. We cut out his mouth and put it on  
19 the back TV, we repeated certain clips, we zoomed in  
20 on his mouth, his lips kind of puttering, different  
21 kind of close-ups to draw out the attention and  
22 awkwardness to kind of amplify it. And as I said,  
23 mostly an aesthetic difference. From an artistic  
24 point of view, a completely different visual  
25 experience.

1 Q So you tried to convey a meaning with your  
2 edits; is that fair to say?

3 A Yes.

4 Q And then let's take a look at -- well,  
5 I'll -- I'll back up, and let's -- in order to avoid  
6 watching the entire video, can I ask whether you  
7 remember your PrankInvasion video? Or do you need  
8 to see it?

9 A Which PrankInvasion video are you referring  
10 to?

11 Q The PrankInvasion video where you comment  
12 on PrankInvasion that ultimately resulted in the  
13 takedown.

14 A I -- I recall certain aspects of it.

15 Q Okay.

16 MR. BUKHER: Well, let's -- let's take a  
17 look at Exhibit No. 44.

18 (Whereupon Exhibit 44  
19 was marked for identification  
20 by the court reporter and  
21 was retained.)

22 (Video played.)

23 THE WITNESS: I'm sorry, I got to  
24 interrupt. This isn't the -- the video you had  
25 referred to.

1 BY MR. BUKHER:

2 Q So what did you do, in this video, that was  
3 not the original PrankInvasion video?

4 A I can't speculate as to the difference  
5 of -- of two videos.

6 Q Well, was there a modulation of -- of the  
7 speaker's voice, in the original video, where he was  
8 speaking deeply, "No Clothes Family Day"?

9 A I -- I'm sorry, can you rephrase your  
10 question? What is it exactly you're asking?

11 Q You see, towards the end of that video we  
12 just watched, in Exhibit 44 --

13 A Yes.

14 Q -- where the speaker's video [sic] got  
15 deeper?

16 A Yes.

17 Q Was that in the original video?

18 A I don't recall if -- if we used that same  
19 device in the first video.

20 Q No. No. Was that -- I'm sorry if I'm  
21 being unclear.

22 A Oh. Was the exact --

23 Q Was that in PrankInvasion's original video,  
24 that deep voice?

25 A I don't think so, no.

1 Q So -- so you modified it?

2 A Yes.

3 Q For what purpose?

4 A Oh. Well, in the -- in the context of that  
5 clip you showed us, which I -- I should add that  
6 it's taken, you know, it should be taken as a whole,  
7 in consideration of the whole video and the whole  
8 experience, but referring just to that small  
9 excerpt, it's used to highlight the absurdity of  
10 such a day, such as "No Clothes Family Day," where  
11 families go to Venice Beach and walk around naked,  
12 and their daughters make out with a young -- with a  
13 young stranger. As I -- I'll also comment during  
14 that clip to kind of highlight that same purpose.

15 Q So you made that alteration to the host's  
16 voice to highlight absurdity?

17 A That is correct.

18 MR. BUKHER: Okay. Can we see Exhibit 45  
19 now, please?

20 (Whereupon Exhibit 45  
21 was marked for identification  
22 by the court reporter and  
23 was retained.)

24 (Video played.)

25 BY MR. BUKHER:

1 Q So that's another clip, from the  
2 PrankInvasion video, that we're talking about; is  
3 that correct?

4 A As I recall, that is correct.

5 Q And there was an insertion there, of a  
6 video of a -- an older lady falling down some  
7 stairs; is that correct?

8 A That's correct.

9 Q Was -- was that in the original  
10 PrankInvasion video?

11 A No. It was not.

12 Q Did you put that in --

13 A Yes.

14 Q -- video in, of the older lady falling  
15 down?

16 A Yes. I did.

17 Q And what was the purpose of that?

18 A Well, the purpose of -- well, it was  
19 historical context. It was a joke of ours,  
20 previously in our career, we had used it and talked  
21 about it on stream. So it was a historical context,  
22 and it kind of just further highlighted the  
23 absurdity of using this old lady to -- to kind of  
24 participate in his voyeuristic pornography.

25 Q So it was a comment on the old lady, that



1 he was using in that clip, to participate; is that  
2 correct?

3 A Along with the historical significance of  
4 the clip, that is correct.

5 Q Okay.

6 MR. BUKHER: Then can we take a look at  
7 Exhibit 46?

8 (Whereupon Exhibit 46  
9 was marked for identification  
10 by the court reporter and  
11 was retained.)

12 (Video played.)

13 BY MR. BUKHER:

14 Q So again, we can agree that this was  
15 another clip of the PrankInvasion video we're  
16 discussing?

17 A Correct.

18 Q And you included a clip in that of another  
19 completely unrelated video; is that correct?

20 A Correct.

21 Q And -- and then additional video, that you  
22 included there, was commenting on something that  
23 happened in the PrankInvasion video; is that right?

24 A That's correct.

25 Q And what was it doing exactly? What was

1 the commentary there?

2 A Well, I was likening his acting and premise  
3 to the -- the acting and -- and premise in a  
4 pornography, essentially. In a bad pornography.

5 Q What do you mean by that?

6 A I think it's a -- it's a well accepted  
7 trope, that pornography starts with really bad  
8 acting and premises, so I was likening the  
9 experience of watching PrankInvasion to watching  
10 such -- such kind of pornography.

11 Q Okay.

12 MR. BUKHER: Can we now see Exhibit 47?

13 (Whereupon Exhibit 47  
14 was marked for identification  
15 by the court reporter and  
16 was retained.)

17 (Video played.)

18 BY MR. BUKHER:

19 Q So we're looking, again, at another clip  
20 from the PrankInvasion video we're discussing; is  
21 that correct?

22 A Correct.

23 Q And in this one, you focus on the  
24 grandparents that are showed in the original  
25 PrankInvasion video; is that right?

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1 A Can you indicate what you mean by original?

2 Q Again, when I say original, with respect to  
3 these exhibits that we're talking about, I'm talking  
4 about the PrankInvasion video, "No Clothes Family  
5 Day."

6 A That is -- in that case, I agree.

7 Q So you -- you -- this exhibit, that we just  
8 saw, it zoomed in on the grandparents, it showed  
9 head shots of them towards the end; is that right?

10 A Yes.

11 Q Was it zoomed in that way in the original  
12 "No Clothes Family Day," PrankInvasion video?

13 A No.

14 Q So did you zoom in on those grandparents?

15 A Yes.

16 Q Why did you do that?

17 A Again, as previously stated, to highlight  
18 the absurdity of using these kind of out-of-place  
19 old people to participate in this voyeuristic  
20 pornography experience.

21 Q So you edited the video, adding this -- can  
22 we call it a stylistic element, in order to make a  
23 point?

24 A Yes. I can agree to that.

25 Q Okay.

1 MR. BUKHER: Can we take a look at  
2 Exhibit 48?

3 (Whereupon Exhibit 48  
4 was marked for identification  
5 by the court reporter and  
6 was retained.)

7 (Video played.)

8 //

9 BY MR. BUKHER:

10 Q So this is another excerpt of the original  
11 "No Clothes Family Day," PrankInvasion video; is  
12 that right?

13 A Yes. Correct.

14 Q Okay. And -- and here, in your reaction  
15 video, there was a -- an insertion of a picture at  
16 the end of that excerpt; is that right?

17 A Correct.

18 Q What was that a picture of?

19 A That was a picture of a guy known on the  
20 internet, I believe, as Harold. He's famous for  
21 making really silly, goofy faces.

22 Q And what was your reason for inserting that  
23 picture into that particular clip?

24 A You've taken it out of context, so if you  
25 looked at it as a whole, you'll find that he was

1 used as a device, throughout the entire video, to  
2 highlight the creepiness of the -- of the videos and  
3 the characters within it.

4 Q All right. Just to be clear, I don't mean  
5 to take it out of context, I'm just trying to avoid  
6 showing the entire long video to you.

7 A I appreciate that.

8 Q I'm happy for you to say that, you know --  
9 yeah. You know, if you're saying that it was  
10 throughout the video, that's fine. My -- the point,  
11 that I'm trying to arrive at, is that you had a  
12 reason for inserting that picture; is that right?

13 A That is correct.

14 MR. BUKHER: Okay. And then let's take a  
15 look at Exhibit 49.

16 (Whereupon Exhibit 49  
17 was marked for identification  
18 by the court reporter and  
19 was retained.)

20 (Video played.)

21 BY MR. BUKHER:

22 Q So this clip we just watched again, can we  
23 agree that that was your reaction to the "No Clothes  
24 Family Day" video?

25 A Yes.

1 Q And towards the end of that clip, it looks  
2 like the video slowed down and started to take on a  
3 red tint; is that right?

4 A Correct.

5 Q Did you edit that in? Or was that in the  
6 original "No Clothes Family Day" video?

7 A I added it.

8 Q You added that red tint?

9 A Yes.

10 Q And in this video, we're basically watching  
11 the host, you know, kiss -- kiss a girl in front of  
12 her dad; is that right?

13 A That's the premise of the video.

14 Q And the dad had this kind of sociopathic  
15 staring look on his face; right?

16 A That's -- that's -- yes. That was my  
17 interpretation.

18 Q And -- and why did you edit in that red  
19 tinge that suddenly came on? Was that related to  
20 that?

21 A Yes, it was. As -- as I said --

22 Q What --

23 A -- just to highlight, once again,  
24 the -- the absurd, voyeuristic pseudo pornography,  
25 the creepiness, the force -- the forceness all used

1 to -- to comment on -- on his video.

2 Q Well, was the red tint that you brought in  
3 and the slow-down of the video, were they  
4 highlighting the absurdity of the video in general?  
5 Or were they highlighting the sociopathic look on  
6 the dad's face in that video?

7 A I believe that it was commenting on the  
8 video itself more about Chris's intentions to create  
9 a voyeuristic experience through this character.

10 Q So what did the -- sorry to interrupt, I  
11 didn't mean to. What was the red tint? What did  
12 that have to do with the overall voyeuristic intent  
13 of the video?

14 A Well, I believe he, you know, he instructed  
15 this character to act in this way to excite his  
16 audience, so it more is a criticism of the video as  
17 a whole, with these very provocative, strange  
18 characters to create this voyeuristic pornographic  
19 experience.

20 Q So you believe that he instructed the dad  
21 in the video to act like a sociopath?

22 A I can't recall. I can't act to his  
23 intention.

24 Q No. No. No. I'm just saying you -- you  
25 believe that he did that, and that's why you had the

1 red tint come in; is that right, to just make fun of  
2 the dad's look?

3 A Not just to make fun of the dad's look. As  
4 I previously stated, it's a comment on the video, as  
5 a whole, as it were at -- you know, with these  
6 absurd characters he's putting in there, creating a  
7 voyeuristic pornographic experience.

8 Q Is that fair to say that it's basically  
9 underscoring the dad's fake sociopathic look with  
10 that red screen to show the absurdity of the video  
11 as a whole?

12 A It's fair to say that I used it to  
13 highlight the -- yeah, the absurd character that  
14 Chris put in there to create this voyeuristic  
15 experience, thereby, you know, commenting on -- on  
16 the video itself.

17 MR. BUKHER: Could we take a look at  
18 Exhibit 50 now, please?

19 (Whereupon Exhibit 50  
20 was marked for identification  
21 by the court reporter and  
22 was retained.)

23 (Video played.)

24 BY MR. BUKHER:

25 Q That's another clip from your reaction to



1 "No Clothes Family Day" PrankInvasion; is that  
2 right?

3 A Yes.

4 Q Did you edit in a clip of Neil deGrasse  
5 Tyson into that video?

6 A Yes. Yes. I did.

7 Q What was the purpose of that?

8 A Once again, that -- that clip has  
9 historical relevance, and it's used, once again, as  
10 a -- as I've explained before, to comment on the  
11 voyeuristic pseudo pornographic experience that  
12 Chris is -- that the creator of the video is trying  
13 to thrust on to his -- his audience and is used to  
14 kind of --

15 Q Well --

16 A Go ahead.

17 Q Is that particular clip, the actors --  
18 let's call them actors; right?

19 A Yes.

20 Q Were they kissing?

21 A Two -- well, not all of them.

22 Q Two of them were kissing?

23 A Yes.

24 Q And then you had a clip come in of Neil  
25 deGrasse Tyson look like he was cringing; is that

1 fair to say?

2 A That's what it depicted, yeah.

3 Q Would you say you edited that in as a -- as  
4 a commentary, saying that he was cringing at that  
5 kiss?

6 A It's more a commentary about, you know,  
7 Chris's -- or I'll refer to him as the creator of  
8 the video's intent to make you sexually aroused by  
9 this voyeuristic experience. It's more a comment to  
10 the video's intention, than actually the kissing on  
11 the screen, itself.

12 Q Well, was that Neil deGrasse Tyson edit of  
13 him cringing, was that -- would that edit have made  
14 any sense in any other part of the video? Or is  
15 that intentional after the kiss?

16 A I think it could have been used to the same  
17 effect throughout the video.

18 Q So it didn't speak to the kiss at all in  
19 that particular clip?

20 A It spoke -- it spoke to both the kiss and  
21 the intention of the author. It was a comedic  
22 timing.

23 Q Just the kiss --

24 A It was a comedic timing.

25 Q Sorry about that, I didn't mean to

1 interrupt.

2 A No problem.

3 Q So the -- you said it did speak to the kiss  
4 at least to some extent; right?

5 A You could say that. But I think that it  
6 speaks -- it speaks equally to both the -- the --  
7 the video as a whole and the kiss, it works on both  
8 levels.

9 Q Okay.

10 MR. BUKHER: Well, let's take a look at  
11 Exhibit No. 51.

12 (Whereupon Exhibit 51  
13 was marked for identification  
14 by the court reporter and  
15 was retained.)

16 (Video played.)

17 BY MR. BUKHER:

18 Q So that's another clip from your reaction  
19 to "No Clothes Family Day" PrankInvasion video;  
20 right?

21 A Yes.

22 Q What happens in that video?

23 A That clip, you mean?

24 Q Yeah. That clip. I'm sorry.

25 A I believe, since we're looking at each clip

1 Q You, in one clip, altered the voice of the  
2 speaker; is that correct?

3 A Yes.

4 Q You, in another clip, inserted a video of  
5 an older lady falling down some stairs that had  
6 nothing to do with the original video; is that  
7 correct?

8 MR. BAR-NISSIM: Objection. Vague and  
9 ambiguous. Original video you're referring to is  
10 the PrankInvasion video; correct?

11 MR. BUKHER: Yes. Yes.

12 BY MR. BUKHER:

13 Q You inserted a video of an older lady  
14 falling down some stairs that was not in the  
15 original video; is that correct?

16 A It was not in the original video. Your  
17 original phrasing was that it had nothing to do with  
18 that video, which I think would be presumptuous.

19 Q You're right. I take that back, and I  
20 stick with my second one. That is correct; right?

21 A That is correct.

22 Q Okay. And then you inserted a video, again  
23 not the original video, regarding pornography?

24 A Are you speaking to the floating head?

25 Q No. I'm speaking to the -- the two guys in

1 the woods.

2 A Yes. I did insert that clip.

3 Q Okay. Then, and another clip, you zoomed  
4 in on a head shot of -- of the grandparents featured  
5 in the video, the zoom that was not originally in  
6 the video; is that correct?

7 A That is correct.

8 Q And in another one, you had that screen  
9 start begin to tint red while one of the characters  
10 was looking on a kiss; is that correct?

11 A Correct.

12 Q In another video, you inserted a picture of  
13 Neil deGrasse Tyson cringing, which was not in the  
14 original video; correct?

15 A Correct.

16 Q And in another video, you inserted a  
17 floating head to cover the exposed private parts, of  
18 one of the characters, in the original video; is  
19 that correct?

20 A Yes.

21 Q Can we call all these stylistic  
22 alterations; would that be fair?

23 A Sure. That's fair.

24 Q And these, you did for the artistic purpose  
25 of commenting on the video; right?

1           A       I don't believe that they were solely  
2       necessary. I included them for the comedic value.  
3       I believe the commentary stood -- stood alone, you  
4       know, as enough to -- to -- to exhibit fair use.  
5       They were added for texture and comedic effect,  
6       and -- and contributed to the fair use aspect of it.

7           Q       Okay.

8                   MR. BUKHER: Let's -- let's take a break at  
9       this point, if you guys don't mind?

10                  MR. BAR-NISSIM: All right. Great. Thank  
11       you so much.

12       (Whereupon there was a break in the proceedings.)

13                  MR. BAR-NISSIM: Back on record.

14       BY MR. BUKHER:

15           Q       So we were just discussing the "No Clothes  
16       Family Day" reaction video, and we talked about all  
17       of the what we called stylistic alterations that you  
18       made. And you said that the stylistic alterations  
19       contributed to the fair use; is that correct?

20           A       I don't think that's a -- a -- necessarily  
21       accurate. I think it was used for comedic  
22       and -- and stylistic purpose, I think the commentary  
23       itself served enough to make the fair use argument.

24                  MR. BUKHER: Can we read that back, please,  
25       the last thing that Mr. Klein said? I believe he

1 made?

2 MR. BAR-NISSIM: Objection.

3 THE WITNESS: Yes.

4 Sorry.

5 BY MR. BUKHER:

6 Q Because the commentary is substantive and  
7 speaks to what goes on in the video, and comments on  
8 it; is that correct?

9 A Yeah.

10 Q Okay. Let's -- let's turn to "the Big, the  
11 BOLD, the Beautiful," Matt Hoss's video that we're  
12 talking about here.

13 MR. BUKHER: So I will play Exhibit 15 for  
14 you, please.

15 (Whereupon Exhibit 15  
16 was marked for identification  
17 by the court reporter and  
18 was retained.)

19 (Video played.)

20 BY MR. BUKHER:

21 Q So what were you commenting on in this clip  
22 that we just watched, Exhibit 15?

23 A I believe I was -- I was setting up the  
24 video as a hist- -- kind of a historical reference  
25 point to what I refer to as "cringe-tube." Which is

1 kind of a -- if you look back at the YouTube videos  
2 that were popular back when this video was popular,  
3 you'll find a lot of kind of cringe-y, embarrassing  
4 sketch comedy that -- that wouldn't be as successful  
5 on today's landscape. So I was kind of setting it  
6 in that historical landscape.

7 Q And just to be clear: This video, the  
8 original video that you react to in "the Big, the  
9 BOLD, the Beautiful," is the creator, Matt Hoss, is  
10 he trying to create a video that depicts reality?  
11 Is he trying to make it seem like reality?

12 A I can't speak to his intention.

13 Q Well, what did it seem like to you? I  
14 mean, are there multiple camera angles in this  
15 video?

16 A You didn't show me the video, I have no  
17 point of reference. I only -- are you referring to  
18 just -- because there was just a brief clip you  
19 showed me.

20 Q Okay. Do you not remember the video at  
21 this point? Do you need to see the whole video?

22 A It would be helpful to recall it.

23 Q Well, let's -- I'll save my question to the  
24 end, because you're actually, in fact, going to see  
25 the whole video. Because we are just really going



1 to go through it.

2 A So just be more --

3 Q The entire video.

4 A If you could just be more specific because  
5 your question isn't pertaining to the clip that we  
6 just watched, so I'm a little confused.

7 Q Okay. So speaking to the clip that we just  
8 watched, you said you like the text that does like a  
9 wave dance.

10 What were you talking about there?

11 A Yeah. In my opinion, was a very cheesy  
12 effect. I can only cons- -- think that. In -- in  
13 Matt's video, the theme throughout is that it's very  
14 cool and suave, and -- and very -- very stylistic.  
15 But the wave text is kind of a good metaphor for his  
16 whole video, where it's -- it's -- he thinks it's  
17 very cool, I can only imagine, but it's very, very  
18 cheesy, to be frank, and represents this whole  
19 cringe-tube era.

20 Q Did you say that it was cheesy?

21 A I think that my body language and the way I  
22 reacted to it, with the -- I think it's quite  
23 obviously inferred from my reaction to it.

24 Q Didn't you say, "I like the text, it's like  
25 a -- does a wave dance prolongs the shit out of

1       that," you see that?

2               Did you say that?

3           A     Yeah. But the tone -- the tone in which I  
4       said that was -- was clearly ironic. And  
5       obviously -- yeah, I'll leave it at that.

6           Q     How is it ironic?

7           A     I believe my tone conveyed -- conveyed  
8       irony. I mean, the dancing, the goofy dancing,  
9       the -- the -- I specifically mentioned how it was  
10      prolonged, also, kind of indicates to my audience.  
11      I'm clearly joking about it in an ironic way, I  
12      think it's quite obvious to any reasonable viewer  
13      that I don't actually think it's cool.

14          Q     So you are criticizing, here, the -- the  
15      opening title screen; right?

16          A     Yes.

17          Q     Okay.

18               MR. BUKHER: Let's see Exhibit 16.

19                       (Whereupon Exhibit 16  
20                       was marked for identification  
21                       by the court reporter and  
22                       was retained.)

23                       (Video played.)

24      BY MR. BUKHER:

25          Q     So in this clip, we see an excerpt of the

1 bold guy, and I'll refer to the character in the  
2 video, the original video, as the bold guy, meeting  
3 this athletic girl while she's stretching; is that  
4 correct?

5 A Correct.

6 Q And you responded to that?

7 A Yes.

8 Q And what was your reaction to that?

9 A Kind of just likening it. I mean, I  
10 referenced PrankInvasion because it taps into that  
11 same pornographic market; very animalistic, very,  
12 very pseudo pornographic. And again, just kind  
13 of -- just the intention of Matt, I think, was --  
14 was to excite and set up this premise, where his  
15 suave character can come swoop in and get that --  
16 get that ass, as they say. I was parodying that,  
17 kind of just turning -- turning the intention upside  
18 down, and giving a new insight.

19 Q So in PrankInvasion, the host, he's -- he's  
20 pretending to come up to random women in the street,  
21 isn't he?

22 A Yes.

23 Q Like in real life; right?

24 A I believe that's the intention of his  
25 video.

1 Q Okay. Does it seem to you, here, that  
2 the -- the bold guy is coming up to a real person,  
3 in real life, in this video?

4 A I would say that -- well, I think you --  
5 you're stringing two points together there, and I'll  
6 address it: I'll say that I can't speak to the  
7 intention of the video, but the -- the -- the  
8 comment -- sorry, can you repeat the question? It's  
9 been a long day.

10 Q Well, you compare this to PrankInvasion,  
11 where you said the main character, I guess the host,  
12 is coming up to women, and the video is trying to  
13 pretend like this is real life. This video, where  
14 the bold guy, in the clip that we just watched, is  
15 approaching a girl on the street, is it trying to  
16 come off as real life to you?

17 A I don't think the comparison was made to  
18 make that comment; only to compare the pseudo  
19 pornographic nature of those two videos.

20 Q Okay. That's fair. So speak to that for a  
21 moment. So, you're not comparing the two as if they  
22 were both made to look like real life. It's clear  
23 to you, in your reality, that one video is trying to  
24 look like it's real life, and the other video is  
25 pretty clear that it's not real life.

1 Is that clear to you?

2 A Yes.

3 Q Okay. So your comment was really just that  
4 the two videos are similar, I guess, in character;  
5 right, the suave guys, in the video, picking up a  
6 girl. That's your comment?

7 A My comment is that they -- they're carving  
8 out kind of similar space on YouTube, of this  
9 misogynistic pseudo pornography.

10 Q Who's carving out a space?

11 A Matt Hoss and PrankInvasion, collectively,  
12 are sharing an audience, in a way. I feel that they  
13 would appeal to the same kind of person.

14 Q But -- but you would agree, a different  
15 way; right? I guess fictional versus nonfictional  
16 characters, of the videos, are different; would you  
17 agree with that?

18 A Well, I don't see how that distinction  
19 changes the intention -- or audience of the video.

20 Q But you do see the distinction?

21 A As I've said previously, there's -- I see  
22 the distinction, but I don't see how it changes the  
23 commentary of the video.

24 Q All right. So the commentary is pretty  
25 similar then?

1           A     In this -- in this -- in this particular  
2     excerpt, I would say that -- I mean, similar -- it's  
3     a different video. It's a different experience.  
4     I -- I couldn't say similar.

5           Q     In this excerpt, and -- and when we were  
6     talking about the PrankInvasion videos, we came to  
7     this understanding of stylistic alterations.

8                     Did you include any stylistic alterations  
9     in this clip?

10          A     In this particular clip you showed me?

11          Q     Yes.

12          A     Or the whole video?

13          Q     Just this clip.

14          A     I don't recall. I don't think so, no.

15          Q     You -- you pretty much just played Matt  
16     Hoss's video excerpt, and then played a video of  
17     yourself talking about it; right?

18          A     Yes. I showed his clip, and then  
19     I -- I -- I made a comment about it.

20          Q     Okay.

21                     MR. BUKHER: Let's take a look at Exhibit  
22     No. 17.

23                             (Whereupon Exhibit 17  
24                             was marked for identification  
25                             by the court reporter and

1 was retained.)

2 (Video played.)

3 MR. BUKHER: Can we just save that for  
4 another time? I apologize, I took the videos out of  
5 order.

6 Let's play Exhibit 23 actually.

7 (Whereupon Exhibit 23  
8 was marked for identification  
9 by the court reporter and  
10 was retained.)

11 (Video played.)

12 BY MR. BUKHER:

13 Q So I apologize for the clip that we showed  
14 previous to that, but this clip, Exhibit No. 23, is  
15 it accurate to say that it's -- it's the next part  
16 of your video, after -- after having watched  
17 Exhibit 15?

18 A I can't say that definitively without  
19 watching the whole video.

20 Q Okay. Well, in this clip, Exhibit No. 23,  
21 what's your comment here?

22 A It's quite a long -- there's a lot in  
23 there. Can you be more specific to which part  
24 you're referring? There's a lot going on in that  
25 clip.

1 Q Well, here we have the bold guy -- an  
2 excerpt, the bold guy talking to the athletic girl  
3 about her form and she asks if he's a creep. We  
4 have that; right, that's the excerpt?

5 A That's -- well, it was a lot longer than  
6 that. Are you -- I can't recall my -- which  
7 specific part are you asking me to explain? You're  
8 being rather vague.

9 Q Well, I'm asking about your comment. What  
10 exactly were you trying to comment on here in this  
11 clip?

12 A Once again, I think there's -- it's --  
13 there's -- well, essentially, I mean, at the heart  
14 of the whole clip you showed, which we touched on a  
15 lot of different points, so I think your question is  
16 a little vague; there's a lot of specific parts in  
17 there that you can touch on. But generally, as I  
18 would say, in my critique of this clip and the whole  
19 video itself is that, you know, Matt has -- has spun  
20 this -- this -- this fantasy world, where he's this  
21 mass- -- he's this alpha male that comes and gets  
22 women as he pleases. It's almost like a very  
23 caveman, BB -- you know, kind of a -- kind of a  
24 nature documentary style, it's very animalistic.  
25 It's meant -- it's meant to showcase how cool and



1 suave he is, but it's really just misogynistic  
2 pseudo pornography.

3 Q Well, you're saying this video is meant to  
4 showcase how suave and cool Matt Hoss is?

5 A Yes.

6 Q Matt Hoss, the individual who lives in real  
7 life?

8 A I can't -- I can't draw a distinction  
9 between -- I wouldn't know what his intent- -- I  
10 mean, can you be more specific? What are you --  
11 what is it that you're looking for?

12 Q Well, are you having trouble drawing a  
13 distinction between the character in the video, and  
14 Matt Hoss, the filmmaker that made the video?

15 A No. I'm speaking to the character in the  
16 video. My critique is of the video, not him as a  
17 person.

18 Q Okay. You don't know if Matt Hoss, the  
19 person, the filmmaker, wants to come off as a suave  
20 guy that can pick up any girl?

21 A Why -- I don't know why you would come to  
22 that conclusion. I'm talking about the video in  
23 question, obviously the characters in it.

24 Q Well, because you keep talking about Matt  
25 Hoss, the character is bold guy, isn't it?

1           A       Yeah. I can refer to him as bold guy, if  
2       that -- if that's more convenient.

3           Q       Well, I just, you know, again, I just want  
4       to be honest. You have a degree in literature, as I  
5       understand it. Have you ever heard of the fallacy  
6       of attributing an author's character to the author  
7       of the work?

8           A       No. I have not heard of that.

9           Q       Okay. But when you're watching this video,  
10      can you tell me if you're watching a guy called Matt  
11      Hoss? Or are you watching a character called the  
12      bold guy? Just so I understand your grasp of what's  
13      going on in the video.

14          A       Yeah. I -- I -- I'm obviously reviewing a  
15      fictitious -- a video. I'm reviewing bold guy.

16          Q       You -- you said you're reviewing a  
17      fictitious video?

18          A       Yeah. It's a -- it's a work of -- of, I  
19      think as we established earlier, as you defined  
20      it -- well, how did you refer to it? A short --  
21      short fictional video? Short film, I think you  
22      referred to it as?

23          Q       Fictional short film; right?

24          A       Yes.

25          Q       And your criticism here is, what, that the

1 fictional character is trying to establish himself  
2 as suave?

3 A Yes.

4 Q And -- and how do you make that criticism  
5 exactly?

6 A As -- as I stated before, I actually -- can  
7 you -- can you replay the clip? It's honestly been  
8 a while since we watched it, and...

9 MR. BUKHER: Sure. Let's replay  
10 Exhibit 23.

11 (Video played.)

12 THE WITNESS: You can -- you can pause it.  
13 So yeah. And --

14 MR. BAR-NISSIM: There you go.

15 THE WITNESS: In this particular clip --  
16 well, forgive me for referring to him as Matt Hoss.  
17 The channel name is the Matt Hoss Zone, so I hope  
18 you can understand the confusion between Matt Hoss  
19 as bold guy, his name is in the title of the  
20 channel. If you prefer, I can refer to him as bold  
21 guy.

22 But in this particular clip, we're -- we're  
23 obviously talking to the director's intention for  
24 creating such a -- such a -- such a piece.

25 BY MR. BUKHER:

1 Q Okay. So I -- I just want to make clear  
2 that you understand that you're talking to the  
3 director's intention, and you're not talking about  
4 the fictional character, bold guy, doing whatever it  
5 is that he's doing in this clip.

6 A I -- I think it's both. I don't understand  
7 the -- the -- the point of making a distinction.  
8 It's Matt Hoss Zone and it's bold guy, I don't know  
9 if there's such a big difference between the two,  
10 and frankly, I can't speak to the -- to the whether  
11 that's true or not.

12 Q Well, from -- from your time studying  
13 literature, who's your favorite author?

14 A Oh, I'd say, probably, Kurt Vonnegut.

15 Q Any others?

16 A That's the one that comes to mind.

17 Q Okay. Who is not your favorite author, but  
18 any other authors that you liked?

19 A Honestly, to be frank with you, I don't  
20 read that much. That's -- this is the one author  
21 that I'm a fan of, that I can recall.

22 Q Kurt Vonnegut.

23 Have you ever read Chuck Palahniuk?

24 A No, I don't recall.

25 THE WITNESS: Could we take a bathroom

1 break?

2 MR. BAR-NISSIM: Tim, it seems Ethan could  
3 use a bathroom break real quick; is that okay?

4 MR. BUKHER: Yeah. That's fine. Let's --  
5 let me just make a note here, what we're talking  
6 about.

7 MR. BAR-NISSIM: Okay. Yeah, no. That's  
8 fine. We'll just make it really quick.

9 MR. BUKHER: Okay. Let's -- let's do that.  
10 We'll meet back in three to five minutes, whatever?

11 MR. BAR-NISSIM: Yeah. That sounds great.

12 THE WITNESS: Thank you.

13 (Whereupon there was a break in the proceedings.)

14 BY MR. BUKHER:

15 Q Okay. So we were discussing the last clip  
16 that we watched, which is Exhibit 23. And you were  
17 telling me how this comments on the video as a  
18 whole.

19 Can you -- can you go back to that, and  
20 just give me a breakdown of the commentary?

21 A Sorry, can you replay the clip? I know --  
22 I know it's -- we're tight on time, I just want to  
23 refresh my memory.

24 Q Yeah. Let's do that.

25 A Okay.

1 Q Exhibit 23.

2 A Thank you.

3 (Video played.)

4 THE WITNESS: I recall. Yeah.

5 So I think the -- the commentary here is  
6 kind of that, I would say, something along the lines  
7 that, like, bold guy is kind of an alterego of Matt  
8 Hoss, and that, you know, it just -- it depicts what  
9 he thinks is very cool and suave, but in my opinion,  
10 is just pseudo pornography that's kind of carved out  
11 on the YouTube.

12 BY MR. BUKHER:

13 Q Okay. Is there anything else that this --  
14 that you're commenting on here, with respect to this  
15 clip? Or is that it?

16 A It's a really dense clip. I hesitate to  
17 say that that's it. It's really dense.

18 Q Well, you make some jokes about the  
19 sleeveless shirt with hoodie, yeah?

20 A Yeah. That, again, serves to show the bold  
21 guy, the character, he's wearing this outfit that he  
22 thinks makes him look muscular, and cool, and  
23 attractive, but is actually quite cheesy and  
24 unappealing, I think, objectively. So again --

25 Q You think, objectively, the sleeveless

1 shirt -- hoodie is unappealing?

2 A Well, I think objectively is not the right  
3 word. But I think it -- I think, in my opinion,  
4 it's quite a goofy outfit, and not one that I would  
5 consider sexy.

6 Q So you don't appreciate the outfit he was  
7 wearing in that video?

8 A Well, I don't think that the intention of  
9 bold guy -- it's -- his intention to be sexy in that  
10 outfit, I think, is absurd. And that was -- that  
11 was my commentary on it.

12 Q You think he intended to look sexy in that  
13 outfit? Or do you think that he was making fun of  
14 that outfit, too?

15 A I -- in my opinion, he was definitely  
16 trying to show off his guns and his style. I don't  
17 think he was making fun of it, no.

18 Q Okay. So -- so your comment here was that  
19 bold guy, who was an alterego of Matt Hoss, is  
20 trying to depict himself as cool and suave. I mean,  
21 that's the gist of it; right?

22 A Yes.

23 MR. BUKHER: All right. Let's roll Exhibit  
24 24.

25 (Whereupon Exhibit 24

1                               was marked for identification  
2                               by the court reporter and  
3                               was retained.)  
4                               (Video played.)

5       BY MR. BUKHER:

6               Q       So what were you commenting on here?

7               A       I think, again, bringing up the  
8       historical -- the historical, you know, significance  
9       of -- of what I deemed cringe-tube, and how I don't  
10      think a video of kind of -- of the same -- of the  
11      same caliber, the same vein would be as successful  
12      today. I consider it almost like a phenomenon, that  
13      a video of his was capable of achieving so many  
14      views. And that's what cringe-tube was back then,  
15      in my opinion.

16              Q       So you said again, you brought up the  
17      significance of cringe-tube? You brought it up  
18      before, right, in these clips?

19              A       Yes. I've mentioned it.

20              Q       Okay. And were you also trying to convey  
21      that bold guy, who's an alterego of Matt Hoss, was  
22      trying to depict himself as cool and suave?

23              A       Well, it was a -- you showed me a clip of  
24      mostly us talking, so I don't know which clip you're  
25      referring to of the original.



1 Q Well, the excerpt here. Let's play it  
2 again, just to be clear.

3 A Just -- just the first part, please.

4 MR. BUKHER: Exhibit 24, please. Let's  
5 stop at -- once the excerpt stops.

6 THE WITNESS: Yeah.

7 (Video played.)

8 MR. BUKHER: Okay. Let's stop here.

9 THE WITNESS: So yeah. My -- my comment is  
10 essentially that he's making, you know, pseudo --  
11 Matt -- you know, misogynistic pseudo pornography  
12 that doesn't really ever go anywhere. And it kind  
13 of carved out this pornographic alpha male place on  
14 YouTube for kids to fantasize about.

15 BY MR. BUKHER:

16 Q So that's relevant here, to this excerpt,  
17 in Exhibit 24?

18 A Yes.

19 Q Didn't you already say that about the  
20 excerpt in Exhibit 23?

21 A I think that, in combination, it's a thesis  
22 throughout the -- the video, that in combination,  
23 kind of helped drive -- drive a point home.

24 Q You're driving the point home; okay.

25 MR. BUKHER: Let's watch Exhibit 25.

1 (Whereupon Exhibit 25  
2 was marked for identification  
3 by the court reporter and  
4 was retained.)

5 THE WITNESS: Sure.

6 (Video played.)

7 BY MR. BUKHER:

8 Q So what was the comment here?

9 A Yeah. Again, as I -- as I said, it kind of  
10 builds on the thesis that it's this misogynistic  
11 pseudo pornography, that bold guy is -- is -- is  
12 representing this -- this surreal kind of world,  
13 that's just like -- it's porn, but you don't get the  
14 payout off, and it's -- it's -- he thinks it's cool,  
15 but it's really just misogynistic pornography.

16 Q So basically, he's just depicting himself  
17 as cool and suave?

18 A Yeah. And again, he -- he's -- he's  
19 depicting a world, where picking up women is as easy  
20 as approaching them presenting themselves, and he  
21 can just, you know, it's simply -- it's simply that  
22 easy for an alpha male, such as bold guy.

23 Q And you use a couple of clips here, a  
24 couple of excerpts, to make that comment; right?

25 A Yes.

1 MR. BUKHER: Exhibit 26.

2 (Whereupon Exhibit 26  
3 was marked for identification  
4 by the court reporter and  
5 was retained.)  
6 (Video played.)

7 BY MR. BUKHER:

8 Q So what was the commentary in this clip?

9 A Yeah, well, both this whole -- this -- this  
10 line of dialogue of  
11 you-can-do-whatever-you-want-to-me, just  
12 acknowledging of how easy it is to approach women,  
13 and again, this masochistic -- this, you know,  
14 almost like showing females as these easily  
15 achievable objects, and -- and very pornographic in  
16 nature, and the absurdity of this claim, you can do  
17 whatever you want to me, where women just offer  
18 themselves up to bold guy because of his sleeveless  
19 hoodie.

20 Q Didn't the last couple of clips, and the  
21 excerpts in those clips, already make that point?

22 A As I said previously, it's a thesis, where  
23 you're kind of driving -- you're building your case  
24 and driving the point home. It's a -- it's a study.

25 Q So before, earlier today, you said you

1 think about fair use when you edit your clips, and  
2 you try to only use what's necessary. You felt that  
3 this was necessary?

4 A I do.

5 Q And you talked about a couple of things in  
6 this clip. Just -- just to rephrase what happened  
7 in the clip, it seems, in the clip, the -- the --  
8 we'll call her "the athletic girl" since the  
9 character doesn't have a name.

10 A Parkour girl, I believe her name was.

11 Q Tells the bold guy to catch her and she'll  
12 let him do whatever he wants with her; is that  
13 correct?

14 A I believe that's what she said.

15 Q Okay. Then, in your commentary, you kind  
16 of went off on a tangent there; right?

17 A I don't believe it was a tangent. I think  
18 it was -- it was speaking to the kind of absurdity  
19 of that claim, like whatever you want, I mean, you  
20 know, I was kind of illuminating how absurd of a  
21 statement that was, by bringing up the -- the carrot  
22 and the mayonnaise.

23 Q So you said, "Are you going to put a carrot  
24 up her ass?" You wrote -- or you said that; right?

25 A Yes. I believe that's what I said.

1 Q Did -- was that said in the original video?

2 A No.

3 Q And you said, "Are you going to shit in her  
4 mouth?" You said that; right?

5 A Yes. I said that, I believe.

6 Q Was that said in the original video?

7 A Not my recollection, no. But again, I  
8 think that's what brings the new expression the new  
9 meaning, highlighting how kind of silly and  
10 misogynistic that -- that statement is, where it's  
11 like, well, what actually can you do? That -- that  
12 was the point of that comment, to highlight like  
13 well, how many options --

14 Q Well --

15 A -- actually are there?

16 Q Well, you're trying to highlight the  
17 misogyny in Mr. Hoss's video; you don't think that  
18 it's misogynistic to talk about putting carrots in  
19 women's asses and shitting in their mouths? You  
20 don't think that's misogynistic?

21 A I didn't -- no -- I mean, no. Not  
22 necessarily. It could be quite possible, that's  
23 what she's into.

24 Q That's what who's into?

25 A Whatever hypothetical, you know, party may

1 be participating in such an act. Well, obviously,  
2 I'm -- I'm -- I'm just saying it for comedic device;  
3 I'm not implying that -- that -- that I partake in  
4 such a thing. But I don't think it's misogynistic  
5 by its -- by its nature, no. I mean, what's --  
6 what's misogynistic about carrots and mayonnaise.

7 Q So you were trying to be funny?

8 A I believe that -- that -- that -- that was  
9 part of it. I mean, it was a -- it was a funny way  
10 to acknowledge how absurd of a statement it was she  
11 was -- she was making.

12 Q So when you talked about carrots up the  
13 ass, and shitting in the mouth, that was to be  
14 funny?

15 A As I previously stated, funny was only one  
16 aspect of it. The other was to illuminate the  
17 absurdity of the statement.

18 Q What -- was -- was that the -- was funny  
19 the aspect behind those particular two statements  
20 that I just highlighted?

21 A I -- I believe -- I think I'm repeating  
22 myself, but I'll repeat it again for you: The  
23 comedy aspect is -- is part of being an entertainer.  
24 The other part is highlighting some absurd points,  
25 so it's both comedy and illuminating -- it's both

1 critical and transformative, as well as being funny.  
2 I don't think they exclude each other.

3 Q What -- well, what absurd points were you  
4 highlighting? Was there a point, where carrots in  
5 the mouth was brought up in this at all?

6 A No. Again, I -- I -- as I said earlier,  
7 the -- she said, "You can do whatever you want to  
8 me," so my comment illuminates: How many things can  
9 you possibly do to her?

10 Q Okay. But aren't you trying to turn this  
11 video on its face as a piece of misogynistic  
12 pornography?

13 A Yes.

14 Q Well, when you're talking about carrots in  
15 the ass, and shitting in somebody's mouth, aren't  
16 you just adding to the misogyny?

17 A No.

18 Q No?

19 A No.

20 Q All right.

21 MR. BUKHER: Let's watch Exhibit No. 27.

22 (Whereupon Exhibit 27  
23 was marked for identification  
24 by the court reporter and  
25 was retained.)

1 (Video played.)

2 BY MR. BUKHER:

3 Q So you noted, in this clip, that you  
4 appreciate the entertainment value of the action  
5 sequence; is that right?

6 A Not the action sequence. I'm just speaking  
7 to the character, bold guy, and not particularly the  
8 action sequence; the whole video. And his, you  
9 know, his persona, his character, his direction.  
10 Just generally, I was speaking about bold guy, Matt  
11 Hoss, and his whole -- you know, his whole Matt Hoss  
12 Zone, all of his characters.

13 Q You appreciate the video, that's what  
14 you're saying? Is there any other commentary here?

15 A I don't -- I can't remember, but that  
16 seemed to be the -- the -- I can't recall the entire  
17 clip, it's been a long day, but that seemed to be  
18 the -- me expressing that -- that I found it  
19 entertaining.

20 Q Okay.

21 MR. BUKHER: Let's put on Exhibit 28.

22 (Whereupon Exhibit 28  
23 was marked for identification  
24 by the court reporter and  
25 was retained.)



1 (Video played.)

2 BY MR. BUKHER:

3 Q So is it fair to say that you talk about  
4 two things in this clip? And I'll say both of them.

5 A Sorry, can you start over? The clip hadn't  
6 finished.

7 Q Sorry about that.

8 Is it fair to say that we talk -- you talk  
9 about two things in this clip, and I'll separate  
10 them so you can answer separately.

11 A Yes.

12 Q But the one thing that you talk about is  
13 the action sequence; is that fair to say?

14 A Yes.

15 Q And the other thing, that you talk about,  
16 is you just kind of make fun of what would happen if  
17 Matt Hoss' character, bold guy, catches the girl;  
18 right? You say, you know, you can do anything you  
19 want to her, et cetera.

20 A Yes.

21 Q Okay. So with respect to you talking about  
22 what's going on in the video, you're -- are you --  
23 you're pretty much just narrating what's going on in  
24 the action; is that right?

25 A No. That's not correct. I think -- I

1 think my observation -- I think parkour, by its  
2 definition, is trying to find like a -- a more  
3 direct, more creative way -- I think parkour, by its  
4 definition is finding a more direct way to travel,  
5 and I think our observation was that he actually  
6 could have just taken the sidewalk. So it --

7 Q Did you make that -- sorry. Did you -- did  
8 you make that observation in the video?

9 A Absolutely. Several times.

10 Q Well, you -- you just said that parkour is  
11 about finding a -- what is it that you just said?

12 A I'm not -- I'm not -- I'm not a parkour  
13 expert like your client, but I would say -- as my  
14 understanding, it's about, like, you know, re- --  
15 reducing the distance that -- that it takes to  
16 travel, from point "A" to point "B." So I think he  
17 thought it was, like, a cool example of parkour, but  
18 it was -- it was a bit of a goof, if I may say so.

19 Q Are you saying that now? Or did you say  
20 that in the clip?

21 A I think I said that. Not only in that  
22 clip, but throughout the video.

23 Q No, I don't think you actually said that  
24 parkour is the most direct way to travel.

25 Did you say that in the clip?

1           A     Oh, no. I did not say that in the clip.  
2     But I did acknowledge that he could have just taken  
3     the sidewalk.

4           Q     What does that have to do with your  
5     statement, that parkour is the most direct way to  
6     travel; did you say that in the clip?

7           A     Well, I'm inferring that that's why this  
8     clip is so silly, because he climbs over a wall  
9     that's right next to the sidewalk. I mean, anyone  
10    who's practicing parkour would just take -- or  
11    anyone who is just trying to take a less resistant  
12    path would just take a sidewalk, so my point being  
13    that the parkour was unnecessary, and therefore,  
14    absurd.

15          Q     I'm -- I'm sorry, this whole statement that  
16    you made just now, before I asked my question, do  
17    you think that people watching the video would have  
18    got that from your clip?

19          A     Yes.

20          Q     All right.

21               MR. BUKHER: Let's watch the clip again.  
22    Exhibit 28.

23                       (Video played.)

24    BY MR. BUKHER:

25          Q     Okay. So did you say, anywhere in that

1 video, that parkour is about minimizing the moves  
2 between point "A" and point "B"?

3 A I think it was between the lines of the --  
4 of the observation Hila made, by saying, "He could  
5 have just taken the stairs," implying that he didn't  
6 take, you know, the most logical path. That was the  
7 joke. That was what made it absurd, and a good  
8 observation. And it transformed the views of his  
9 clip.

10 Q So the -- the -- let's separate that out.  
11 Were you making a joke about his parkour? Was it --  
12 was the statement meant to be humorous?

13 A I think you're view -- you're making the  
14 mistake of -- and this seems to be a common thread  
15 in your questions -- of -- of separating being funny  
16 and being critical; I think they don't exclude each  
17 other.

18 Q Okay. Were you trying to be funny while  
19 you were being critical here?

20 A Yes.

21 Q Okay. And you were being critical about  
22 his parkour?

23 A Yes.

24 Q You just said you were not a parkour  
25 expert; is that correct?

1 A I am not a parkour expert.

2 Q What's your experience with parkour?

3 A Watching your client's videos.

4 Q So you learned about parkour by watching my  
5 client's videos?

6 A I -- I -- I've seen parkour on the  
7 internet. I mean, I've read a bit about it.

8 Q What did you -- what have you read about  
9 it?

10 A Basically, what -- what I said to you  
11 previously.

12 Q When did you read these things?

13 A I don't recall the exact date.

14 Q Did you read them before making this video?

15 A I don't recall.

16 Q Were you trying to be a parkour critic when  
17 you filmed this video?

18 A I think it's one aspect of the -- the  
19 character that was so interesting to me.  
20 Definitely.

21 Q So you were trying to criticize the  
22 character as portraying himself as cool and suave.  
23 And you were also criticizing him as portraying  
24 himself as somebody that knows parkour?

25 A I think you're -- you're -- you're dicing

1 together the central point of his character. Which  
2 is he's -- he's established himself as this alpha  
3 male, who can pick up women, you know, by -- by --  
4 with ease, but it's just misogynistic pseudo  
5 pornography. And they all tie together to create  
6 that package.

7 Q Is it your experience that a lot of alpha  
8 males practice parkour?

9 A I think he -- I mean, I can't speculate to  
10 that. That means pretty hypothetical.

11 Q I'm not asking you to speculate. I mean,  
12 you said alpha male; what do you mean by that?

13 A Well, he's -- he's the kind of guy, who can  
14 just show up and -- and get the girl. He's -- he's  
15 bold. He's bold guy.

16 Q So you're criticizing him for being bold  
17 guy, the character?

18 A Once again, as I've previously stated, I'm  
19 criticizing the entire package, the entire  
20 experience, the entire misogynistic pseudo  
21 pornography package that he's sewn together.

22 Q Well, you used the term, "misogynistic."  
23 What's misogynistic about it?

24 A I think he portrays women as easy.

25 Q Well -- well, why do you say that?

1           A     Well, I think when you take the video at  
2     its whole face-value, I think we're talking about  
3     specifically this one clip. But it's the common  
4     thread throughout the bold guy series and the Matt  
5     Hoss Zone channel, where it -- it takes very little.  
6     And usually, in these very implausible scenarios,  
7     where women just give it up to use a bit of  
8     parlance.

9           Q     Well, let's just talk about this video.  
10                What about this video implies that women  
11     are easy?

12          A     Well, we haven't quite gotten to that yet,  
13     so if you want to -- if you want to play the whole  
14     video, I can point it out to you, which parts are.

15          Q     Well, let me ask you, in your life  
16     experience, have you ever had to pick up a woman by  
17     challenging her to a parkour race?

18          A     Not that I recall.

19          Q     If you had to, would that seem easy to you?

20          A     The parkour is not easy; the girl is.

21          Q     Well, how is the girl easy? She just had  
22     to have a whole parkour race with this guy.

23          A     Well, basically, it starts with her  
24     saying -- you know, being disgusted. And almost  
25     immediately, as we draw to the conclusion of the

1 video, being ready to give it up.

2 Q What makes you draw that conclusion, that  
3 she's ready to give it up? Didn't she challenge him  
4 to a parkour race?

5 A Sorry, can you rephrase that?

6 Q What makes you say that she was willing to  
7 easily give it up, as you said? Wasn't she  
8 challenging bold guy to a parkour race?

9 A I think depicting a woman who's -- who  
10 starts from disgusted to uncontrollably sexually  
11 attracted to a man, within the course of -- of -- of  
12 a five-minute video, is -- is a woman who is  
13 depicted as not realistic and easy, and depicts  
14 women, who are overly sexual and overly eager, to  
15 pursue this guy that, really, in my opinion, has no  
16 charm at all.

17 Q Is it realistic, do you think, for a woman  
18 to be interested in a guy because he beats her in a  
19 parkour race?

20 A I can't -- I can't -- I mean, that's a bit  
21 speculative. I don't know.

22 Q Well, you're talking about it. You said  
23 it -- it's -- it's strange that this woman starts  
24 off as being weird about this guy, but then suddenly  
25 is all into him after this parkour race; isn't that



1 what you're saying?

2 A Yes. But it's more about the turnaround.  
3 Not about the athletic joust they shared; more about  
4 the -- the, "Hey. You're disgusting. Go away."  
5 And then five minutes later, you know, "Do anything  
6 you want to me."

7 Q That seems unrealistic to you?

8 A Yes.

9 Q Very unrealistic? Or very unrealistic?

10 A Very unrealistic.

11 Q So this video doesn't come off to you as  
12 realistic, to you, at all?

13 A No. I'm not criticizing it for its  
14 realistic value, it's a -- as you pointed out, it's  
15 a short film, and I'm critiquing it.

16 Q No. No. But right now. Not in terms of  
17 your criticism in the clip, but right now, does this  
18 video seem realistic to you?

19 A No.

20 MR. BUKHER: Let's -- let's take a look at  
21 Exhibit 29.

22 (Whereupon Exhibit 29  
23 was marked for identification  
24 by the court reporter and  
25 was retained.)

1 (Video played.)

2 BY MR. BUKHER:

3 Q So here, with respect to this excerpt, you  
4 talk about what happens when bold guy catches the  
5 girl; is that right?

6 A That's correct. Or the hypothetical.

7 Q And you talk about whether he is going to  
8 put carrots in her ass and mayonnaise in her mouth;  
9 is that right?

10 A That is -- that's correct; it's used to --  
11 I mean, the carrots and the mayonnaise --

12 Q Well -- well, let's -- let's --

13 MR. BAR-NISSIM: Tim, do not interrupt his  
14 answer.

15 Ethan, complete what you were going to say.

16 THE WITNESS: The carrots and --

17 MR. BUKHER: Well, no. I'm sorry, Ram. I  
18 asked a question and he answered it. I'm not trying  
19 to --

20 MR. BAR-NISSIM: No. No. He wanted to  
21 give you a complete answer, Tim, so slow down. Let  
22 him give his complete answer.

23 MR. BUKHER: Well, no.

24 MR. BAR-NISSIM: It might not be the answer  
25 that you'd like --

1 MR. BUKHER: Well, I'll rephrase the  
2 question.

3 In this case, Ethan --

4 MR. BAR-NISSIM: Okay.

5 BY MR. BUKHER:

6 Q My question is: Did he say -- did you say  
7 that bold guy -- you're asking about what happens  
8 when bold guy catches her; is that correct? Yes or  
9 no?

10 A I'm -- I'm highlighting the absurdity, once  
11 again, of what started the chasing of, you can do  
12 anything you want to me --

13 Q Sorry. You didn't ask my -- you didn't  
14 answer my question.

15 Did you -- did you say, "What happens when  
16 he -- when she -- when he catches her"? Yes or no?

17 A I did not say, "What happens when he  
18 catches her."

19 Q "What happens when he catches her," you  
20 didn't say that?

21 A I was -- I -- I was making an -- a -- an  
22 absurd observation. I was -- it was a hypothetical.

23 Q But did you not say that? Did you not say,  
24 "What happens when he catches her"?

25 A Yeah. You're taking it out of context,

1       though.  It's a hypothetical.

2           Q       I'm not asking you about the context.  I'm  
3       asking if you said that.  Did you say, "What happens  
4       when he catches her"?

5           A       I don't recall.  I don't recall.

6           MR. BUKHER:  All right.  Let's watch  
7       Exhibit No. 29 again.

8                       (Video played.)

9           MR. BUKHER:  Let's stop it right there.

10       BY MR. BUKHER:

11           Q       So did you say, "What happens when he  
12       catches her"?

13           A       Yeah.  It was a hypothetical question posed  
14       to myself.

15           Q       No.  No.  Did you -- did you ask that?  Did  
16       you -- did you say, "What happens when he catches  
17       her"?

18           MR. BAR-NISSIM:  Objection.  The video  
19       speaks for itself, Tim.  You're just recounting  
20       stuff that's happening in the video.  He's trying to  
21       explain to you what he did in the video.

22           MR. BUKHER:  I'm not asking for an  
23       explanation.  I'm asking whether he said that in the  
24       video, Ram.

25           THE WITNESS:  I did present a hypothetical

1 question to myself.

2 BY MR. BUKHER:

3 Q No. No. No. I'm not asking you  
4 what -- what you meant by that. I'm asking you  
5 whether you said that.

6 A Yes.

7 Q Okay. And then you said, "Does he have to  
8 tackle her?" You said that; right?

9 A Yes. In a hypothetical way to kind of  
10 parody --

11 Q Whoa. Whoa. Well, you said that; right?

12 THE REPORTER: Okay. One at a time.

13 Counsel, there's a delay on your end, so  
14 when you cut somebody off, I can't get what you're  
15 saying. It blocks you out.

16 MR. BUKHER: Ram, let me be very clear: I  
17 understand that Mr. Klein, Ethan, wants to talk to  
18 me about what he meant by what he said. But I'm  
19 simply asking him whether he said something or not.  
20 And if he's not going to answer the question, if  
21 he's going to use up our time on this, I will use  
22 this to move for another 7-hour deposition.

23 MR. BAR-NISSIM: Tim, you're asking  
24 questions about what is contained in a video. So  
25 you are --

1 MR. BUKHER: That's --

2 MR. BAR-NISSIM: -- literally going to --  
3 you're going to tell me you're going to move to  
4 compel for an extra 7 hours, due to you asking  
5 questions about -- you asking questions about what  
6 related to the video. Move on to more substantive  
7 questions. You know what is actually in the video.  
8 Let's move on.

9 MR. BUKHER: No, Ram, I'm sorry, but I'm  
10 perfectly within the right to ask what's within a  
11 video. He can either say yes, it happened in the  
12 video. Or no, it did not happen in the video. And  
13 if he's not going to answer, then he's not going to  
14 answer. And then we will just have to extend this  
15 for another day. Or we can simply answer "yes" or  
16 "no," that something happened or did not happen in  
17 the video.

18 I mean, do you disagree with that? Do you  
19 want to debate it a little bit further?

20 MR. BAR-NISSIM: No. But I just think that  
21 given the time that you have, if you're concerned  
22 about how he's going to -- if you simply want to ask  
23 questions about what is contained in the video or  
24 not, then --

25 MR. BUKHER: Yes. That's that what I'm

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1 asking. Given the time that I have, that's all I'm  
2 asking. And I'm asking that my time not be used up  
3 for answers to questions that I'm not asking. And I  
4 think that's very crucial.

5 MR. BAR-NISSIM: Okay. Then let us do  
6 this, Tim: If you're going to continue asking  
7 questions, and make it clear that is just what is  
8 actually being said in the video, then -- then we --  
9 then I'll make sure that Ethan does respond as "yes"  
10 or "no" in terms of that.

11 But let us also, you know, in terms of the  
12 time that you have, I would just think it's merely  
13 wiser to ask, you know, stuff other than what is  
14 contained in the video. So to be respectful for  
15 your time, let us have you move on, and we'll take  
16 it from there.

17 MR. BUKHER: Ram, I appreciate your advice.

18 Ethan, I am going to ask you questions  
19 about whether something or not happened in the  
20 video. In order to keep this brief, can you answer  
21 "yes" or "no," and then I may or may not ask you  
22 what you mean by what you said in those points, if  
23 that's relevant to the question. And -- and then  
24 you could tell me what you meant.

25 Is that clear?

1 THE WITNESS: That's -- that's clear.

2 But -- yeah, that's -- that's clear to me.

3 BY MR. BUKHER:

4 Q Okay. Okay. So you said, in this video,  
5 "What happens when he catches her," you said that;  
6 right?

7 A I said, "What happens when he catches her";  
8 that is correct. I said that.

9 Q And you said, "No, does he, like, take her  
10 out and rape her?"

11 Did you say that?

12 A I -- I did say that, yes.

13 Q And what do you -- what did you mean by  
14 that, when you said that?

15 A So I was trying to highlight the -- again,  
16 the absurdity of this whole chasing, and the premise  
17 of her saying, "Do whatever you want to me once you  
18 catch me," as kind of like a nature documentary,  
19 it's so primal, and so absurd, and so implausible.  
20 It highlights how absurd it is, this notion of a man  
21 chasing a woman, it's like a -- it's almost like a  
22 violent rape scene in a way, it's like -- and I  
23 think it's a legitimate question, like, "What  
24 happened when he gets to her?" Like is he going to  
25 tackle her, you know what I mean? I think -- I



1 think the comment, the extreme level of the comment,  
2 goes to show how absurd this whole chasing is. It  
3 is kind of rape-y, this man chasing woman.

4 Q Okay. And did you then say, "Hope he's got  
5 carrots -- sorry, "Hope he's got mayonnaise and  
6 carrots with him, because that's what I want."

7 Did you say that?

8 A I -- I said -- I don't recall, exactly, the  
9 words, but approximately something like that.

10 Q All right. And -- and what does this video  
11 have to do with mayonnaise and carrots?

12 A Once again, the mayonnaise and carrots is a  
13 metaphor for this absurd scenario, in which he can  
14 do anything he wants to her when he catches her.  
15 I've repeated this point to you several times, so  
16 I'll say it one more --

17 Q But you -- well, hold on. You don't have  
18 to say it one more time. You have repeated this  
19 point several times, with respect to the other  
20 clips; is that not the case?

21 A That is the case, as I am building upon  
22 this whole thesis of the misogynistic pseudo  
23 pornography. And I think each clip serves to build  
24 on that case, and offers a new insight into it.

25 Q What new insight does this clip offer,

1 exactly?

2 A Well, it -- it builds. It adds further  
3 foundation to my claim.

4 Q Well, what does it build, exactly?

5 A I think -- I think this part of him chasing  
6 her down kind of adds to the absurd image of this --  
7 this, you know, primal standoff, that's just so  
8 implausible.

9 Q Wasn't he chasing her in the previous clip,  
10 though?

11 A Yeah. That one, we -- we took that moment  
12 to -- to joke about his -- and -- and to highlight  
13 the absurdity of his parkour, and not taking the  
14 path of least resistance.

15 Q So you're saying more chasing is more  
16 building of the primal standoff?

17 A Well, I believe our comments, in the two  
18 different clips, were different, but I --

19 Q Sorry, what were you saying?

20 A I had finished. Sorry.

21 Q All right.

22 MR. BUKHER: Let's take a look at Exhibit  
23 No. 18 -- sorry, Exhibit No. 17.

24 (Video played.)

25 BY MR. BUKHER:

1           Q     So here, it looks like you're commenting on  
2     what was happening in the video.

3                     Is that fair to say?

4           A     Yes.

5           Q     But you were narrating what the guy was  
6     doing in the video?

7           A     Not narrating.

8           Q     No? What were you doing?

9           A     Again, I was speaking to the -- the  
10    goofiness of his parkour, and building that thesis  
11    of this macho, you know, porn- -- misogynistic  
12    pornographer, who does cool parkour, but could  
13    actually just take the sidewalk, around the wall,  
14    instead of jumping over it. It doesn't express  
15    prowess; it just more express a bit of buffoonery.

16          Q     But -- but you understand that this video's  
17    fictional.

18                     You understand that?

19          A     Yeah. I'm critiquing -- I'm critiquing  
20    both the fictional bold guy, and the director, Matt  
21    Hoss.

22                     MR. BUKHER: Okay. Let's look at  
23    Exhibit 18.

24                                     (Whereupon Exhibit 18  
25                                     was marked for identification

1 by the court reporter and  
2 was retained.)  
3 (Video played.)

4 BY MR. BUKHER:

5 Q So what was the point of the excerpt in  
6 this clip?

7 A I think it's showing how this exchange  
8 between them is so drawn out, and kind of, you know,  
9 he's -- he's building this tension of -- of, you  
10 know, what happens when he can do anything he wants  
11 to her, and it's -- it's just showing, again, his  
12 false sense of -- of masculinity, and his false  
13 sense of confidence in this character. And again,  
14 using the mayonnaise and the carrots as a metaphor  
15 for just this -- this absurd -- this absurd action.

16 Q You didn't actually say anything about  
17 mayonnaise and carrots in this clip.

18 Are you having a flashback?

19 A I think you may be mistaken, I think I did.

20 Q Okay. This -- this -- this particular  
21 clip --

22 A You may want --

23 Q -- you just said it highlights the drawn  
24 out relationship between the two characters. Did  
25 you actually say that in the clip?

1           A     It's infer -- I mean, it is inferred, I  
2     don't think.

3           Q     No. No. Did you say that in the clip? I  
4     mean, imagine that I'm not inferring anything. Did  
5     you say that in the clip?

6           A     I am capable of expressing, you know,  
7     a -- a commentary besides saying explicitly  
8     something; that's part of a comedian's job.

9           Q     Part of a comedian's job is to say things  
10    that he doesn't say?

11          A     That's an obtuse way of looking at it.  
12    What I -- what I meant is that you can say things in  
13    more than just saying it explicitly.

14          Q     But you didn't explicitly say that this  
15    clip was about showing out the drawn out  
16    relationship between the two characters; right?

17          A     Yeah. Exactly my point.

18          Q     You didn't explicitly say that?

19          A     No. It was said through -- through --  
20    through the use of humor.

21          Q     But you don't explicitly say that; right?

22          A     It was expressed through -- through what we  
23    said.

24          Q     But you didn't explicitly say that; right?

25          A     That ex- -- that exact phrase? No, we did

1 not exactly say that. It was expressed through  
2 our -- our other language.

3 Q You didn't -- you didn't -- you didn't say  
4 any phrase that they were -- you didn't actually  
5 say, audibly, any phrase that this clip was  
6 expressing the drawn out --

7 A Yes. I --

8 Q -- relationship --

9 A I disagree with you.

10 Q -- relationship of these two characters?

11 A I'm afraid I disagree with you on that.

12 Q Did you say those things? Did you say the  
13 word, "drawn out"?

14 A Can you replay the clip?

15 Q Yes.

16 Exhibit 18, please.

17 (Video played.)

18 THE WITNESS: As you heard Hila say, it's  
19 pretty long.

20 BY MR. BUKHER:

21 Q Yes. I heard Hila say that it's pretty  
22 long. Did she say that this expresses the drawn out  
23 action between the two characters?

24 A The tone of her voice clearly expresses  
25 that, and I -- and I echo that sentiment.

1 Q I agree with you, the tone of her voice  
2 probably expressed that, but did she explicitly say  
3 that?

4 A I think it was explicit in the way that she  
5 said it. It's pretty long.

6 Q Is that what explicit means? What's your  
7 understanding of what explicit means? Just to get  
8 back on that.

9 A I think it's clearly conveyed.

10 Q So you think the tone of Hila's voice  
11 clearly conveys the commentary with respect to this  
12 excerpt?

13 A Yes.

14 Q Is that your sense of many of the other  
15 excerpts of this video? That the tone of voice  
16 explicitly conveys commentary?

17 A I'm speaking about this one clip in  
18 particular.

19 Q Okay.

20 MR. BUKHER: Well, let's -- let's watch  
21 Exhibit 19.

22 (Whereupon Exhibit 19  
23 was marked for identification  
24 by the court reporter and  
25 was retained.)

1 (Video played.)

2 BY MR. BUKHER:

3 Q Okay. So let me just state back to you  
4 what you guys said in this clip.

5 A Sure.

6 Q You said, Ethan, "That was sick"; is that  
7 correct?

8 A As I recall it, yes.

9 Q Well, you're recalling from having just  
10 watched this clip; is that correct?

11 A Yes.

12 Q Okay. And then Hila said, "Nah."

13 A Yes.

14 Q Is that right?

15 A As I recall it.

16 Q And then you said -- you said, as you  
17 recall, "That was some straight up parkour"; is that  
18 correct?

19 A That's correct. But I think you're  
20 ignoring the tone of -- of the language.

21 Q Whoa. Whoa. We'll get to the tone.

22 And then Hila said, "It's supposed to look  
23 effortless"; right?

24 A Yes.

25 Q And then you said, "What? Didn't it look



1       effortless? That was fucking parkour, dude."

2               Did you say that?

3           A     Yes.

4           Q     Okay. What are you commenting on here?

5           A     I think, again -- again, it all ties  
6 together, that he thinks that the parkour is very  
7 cool, very, very alpha male, he's out there, he's  
8 doing his thing. And he's chasing down this girl,  
9 it's this primal experience. But really, he's just  
10 a buffoon, his parkour is not cool, he's just a  
11 misogynistic pornographer, who is chasing down this  
12 girl to presumably do whatever he wants to her.

13          Q     Did you say all of that in this clip?

14          A     Again, as I've previously said, a comedian  
15 express --

16          Q     Wait. Wait. Yes or no? We'll get on to  
17 your tale. Yes or no? Did you just say all of that  
18 in your clip?

19          A     I -- I think -- I believe it was expressed.

20          Q     Okay. But you didn't say it; right?

21          A     Did I specifically say those words to  
22 convey that meaning?

23          Q     Yes.

24          A     No.

25          Q     No. No. Did you say those words?

1 A I did not say those words in that way.

2 Q Okay. But those -- that -- that meaning  
3 was conveyed in the tone?

4 A I believe so, yes.

5 Q Okay.

6 MR. BUKHER: Let's watch Exhibit No. 20.

7 (Whereupon Exhibit 20

8 was marked for identification

9 by the court reporter and

10 was retained.)

11 (Video played.)

12 BY MR. BUKHER:

13 Q So what did you verbally convey in that  
14 video?

15 A Once again, I think this metaphor of the  
16 mayonnaise is actually -- is actually --

17 Q No. No. No. What did you, verbally,  
18 convey in that video? Not -- not what you implied,  
19 but I'm just curious what was, verbally, conveyed  
20 here?

21 A I mean, the video speaks for itself. I  
22 don't know -- I don't understand questioning of --

23 Q Did you say, "Whoa, I'm going to like this  
24 video"?

25 A I -- can we -- can you replay it? I don't

1 actually recall saying that.

2 MR. BUKHER: Yeah. Let's replay  
3 Exhibit 20.

4 (Video played.)

5 THE WITNESS: Yes, so I did say that.

6 BY MR. BUKHER:

7 Q You said, "Well, I'm going to like this  
8 video, that was bad ass"; right?

9 A Yes.

10 Q And then Hila said, "Yeah"?

11 A Yes.

12 Q And then you said, "He's going to fuck the  
13 shit out of her now, man"?

14 A Yup. I don't know if that's exactly what I  
15 said.

16 Q Okay. What -- okay. I mean, that's what  
17 you said verbally; what were you trying to convey?

18 A So once again, the metaphor of the  
19 mayonnaise comes up, and I think it's important,  
20 once again, highlighting the -- the absurdity of  
21 this chasing, this animalistic pseudo pornography,  
22 this misogynistic, you know, carved out place for  
23 pornography. It's absurd. "Catch me, do whatever  
24 you want to me." I think it's worthy of criticism.  
25 And I think the mayonnaise point is a thread

1 throughout the video, that drives that point home.

2 Q Didn't you already make that point several  
3 times?

4 A As I've said to you, you know, many times  
5 previously, it's a thesis, it builds. Each -- each  
6 scene adds new meaning and expression, it builds on  
7 the thesis to drive this point home. And I think  
8 that it -- it's -- they're each necessary to  
9 transform the clip, and for me to convey my -- my  
10 message clearly.

11 Q What meaning did this clip add, exactly?

12 A Well, it shows how -- how ridiculous this  
13 character is, I mean, he -- he catches her, he -- he  
14 disappears and appears on the other side. The  
15 audience are -- are expected to look at this and  
16 kind of by my comment be like, "Wow, that was  
17 awesome. I'm going to like this video," making a  
18 parody of how I'm going to assume the audience  
19 should react to this video because obviously that's  
20 not my reaction. It's very cheesy. It's very  
21 canty. It's very buffoonish.

22 MR. BUKHER: Okay. Let's watch Exhibit 21.

23 (Whereupon Exhibit 21

24 was marked for identification

25 by the court reporter and

1 was retained.)

2 THE WITNESS: Do you mind if I grab some  
3 water real fast?

4 MR. BUKHER: No. Let's take a break.

5 MR. BAR-NISSIM: Okay.

6 (Whereupon there was a break in the proceedings.)

7 MR. BUKHER: Let's watch Exhibit 21.

8 (Video played.)

9 BY MR. BUKHER:

10 Q So what are you talking in and about this  
11 clip?

12 A Well, I think there's two main parts.  
13 Which one are you referring to?

14 Q Let's go through both.

15 A Well, the first part talks about how, you  
16 know, the action sequence was kind of broke up by  
17 this absurd, like he's a teleporter now. So the  
18 character is just inconsistent, I think that's worth  
19 commenting on. That he's a parkour God that can,  
20 apparently, also teleport. It -- it --

21 Q Did you -- did you find that jarring?

22 A I expressed -- I expressed -- yeah, in the  
23 video, I did express that. I -- I -- I parodied an  
24 audience reaction, by saying, like, "Oh, man. I  
25 thought this was real, but it turns out that he can

1 teleport."

2 Q Did you think that it was real?

3 A No. I -- I was parodying the audience  
4 reaction.

5 Q Okay. What was the second part?

6 A The second part was, again, this -- this  
7 wonderful metaphor of -- of mayonnaise.

8 Q Walk me through the metaphor again.

9 A Yeah. Absolutely. So again, the -- as  
10 I've -- as I've stated previously, the mayonnaise is  
11 a metaphor for this absurd, you know, misogynistic  
12 pseudo pornography. This catch me, and you can do  
13 anything you want to me. It's like, how many  
14 options are there; right? So he got her, and I'm  
15 wondering, where's the mayonnaise?

16 Q What does that have to do with mayonnaise?

17 A Well, it's the metaphor that -- that ties  
18 into it.

19 Q Well, I mean, what you just said, what does  
20 that have to do with mayonnaise?

21 A It draws back, again, to -- to repeat  
22 myself for you, in the beginning, he said -- she  
23 says, "Catch me, and you can do anything you want to  
24 me." And I observed that there's only so many  
25 things that he can do to her. I mean, you know, the

1 implication of, like, rap, almost, is there.

2 And -- and -- and -- and, you know, mayonnaise is  
3 used to highlight the absurdity of the lack of  
4 options; right?

5 Q Well, I'm not sure I understand. How does  
6 mayonnaise highlight the lack of option? Mayonnaise  
7 seems to be one of infinite option.

8 A That's exactly right. So you kind of just  
9 understood the silliness of my point. If you  
10 consider putting mayonnaise, as a sexual act, as an  
11 option for what Matt was thinking about, then you're  
12 starting to get what I'm getting at. It's a satire.  
13 It's a parody.

14 Q So it could have been mayonnaise. It could  
15 have been poodles. It could have been put dragons  
16 up her ass; right?

17 A No. That's the joke. It's just sex. But  
18 if you -- but if you would have made that comment, I  
19 would have think that it was a funny and good  
20 observation. Next to the mayonnaise.

21 Q But why mayonnaise, rather than poodles or  
22 dragons?

23 A As I said, I like mayonnaise.

24 MR. BUKHER: Can we watch Exhibit No. 22,  
25 please.

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1 (Whereupon Exhibit 22  
2 was marked for identification  
3 by the court reporter and  
4 was retained.)

5 (Video played.)

6 MR. BUKHER: Can we stop for a second?

7 BY MR. BUKHER:

8 Q So -- so there was an excerpt just now, and  
9 then you talk about how that was a romp and a riot,  
10 was -- were you talking about the excerpt? Or the  
11 video as a whole?

12 A I think I was referring to both.

13 Q Because the excerpt was building up the  
14 whole video; right?

15 A I not -- I'm afraid I don't understand what  
16 you mean by that.

17 Q Well, what relevance does the excerpt, that  
18 was just shown in this exhibit, have to do with what  
19 you're talking about? This video being a romp and a  
20 riot?

21 A I think it -- the -- you know, he tied it  
22 together in a -- in a -- just such a -- such a way  
23 that kind of drove him, the thesis home. How, you  
24 know --

25 Q Well --



1           A       -- she -- she hated him. And after a  
2       brief, goofy, parkour chase, she was ready to, you  
3       know, engage in sexual activity with him. And I  
4       think that, for the record, you've cherry-picked  
5       these clips quite selectively, and I think, taken as  
6       a whole, each piece clearly would help to build upon  
7       the next, and add new insight.

8           Q       Well, let me -- let me be clear about  
9       something: You said, "cherry-picked these clips,"  
10      but aren't these clips literally every sequential  
11      clip in your video?

12      A       I don't know.

13      Q       Well, you don't have to admit that, but, I  
14      mean, just so you know, we are going to submit it,  
15      as an exhibit, in whole. If you know, you can admit  
16      it. If you don't, I guess you don't have to.

17      A       No. I actually don't know if there's  
18      anything missing or not. But I think --

19      Q       Okay. So you --

20      A       I think -- think that --

21      Q       Well, that's fine.

22      A       I think the expression of the video --

23      Q       We don't need to go -- we don't need go  
24      into that. I don't mean to interrupt you. I do  
25      want to conserve our time a little bit. I apologize

1 if I have to cut you off; it's just to keep our time  
2 going.

3 You talked about the thesis, so your thesis  
4 here, just to rephrase it, is that Matt Hoss's video  
5 stand for this absurd, old style, cringe-tube  
6 misogyny.

7 Is that, essentially, the thesis?

8 A Are you -- you say -- you refer to Matt  
9 Hoss, are you refer -- are you including bold guy,  
10 as a character, in that?

11 Q Well, I'm talking about the director of the  
12 videos. That you're saying that his videos stand  
13 for the absurd, old style, cringe-tube, misogyny;  
14 right?

15 A So we're talking about Matt Hoss, the  
16 director; not bold guy, the character?

17 Q Well, bold guy doesn't film characters.  
18 You understand that; right?

19 A Well, I'm just trying to understand the  
20 heart of your question.

21 Q My question is: Matt Hoss, the plaintiff,  
22 it's your thesis that he directs videos that stand  
23 for absurd, old style, cringe-tube misogyny.

24 Is that your thesis?

25 A My thesis is not that simple. I think it's

1 more about the -- the -- the -- this kind of  
2 turning -- turning his video upside down, where he  
3 portrays himself as this cool, suave, pick-up,  
4 athletic, you know, sex machine. But he's actually  
5 a buffoon, a misogynist, and -- and -- and -- and  
6 frankly, I -- yeah, it's -- it's all -- it's all  
7 backwards, I think. It's -- it's more about the,  
8 you know, the perception he sees as himself is  
9 completely backwards. So pseudo pornography  
10 misogyny.

11 Q So your -- so your thesis, just to be  
12 clear, is that the bold guy tries to portray himself  
13 as suave, but in fact, he portrays himself as an  
14 absurd misogynist?

15 A That's part of it.

16 Q What other part of it? Let's be thorough.

17 A Yeah. Well, it's also a historical  
18 commentary on this whole cringe-tube phenomenon,  
19 which this video represents.

20 Q Okay.

21 A It's also -- it's also a comment -- it's  
22 also about misogyny, you know, how men -- certain  
23 men see women as these easily -- easy-to-obtain  
24 objects. And it is -- and it is about, you know,  
25 with that, again, coming back to that wonderful

1 metaphor of mayonnaise, that, you know, highlights  
2 the -- how absurd it is. Of almost like this rape  
3 scenario, this -- this, you know, "catch me, if you  
4 can, and you can do anything you want to me."

5 Q So pretty much every scene in this video  
6 has this cringe-y pseudo pornographic message.

7 Is that what you're saying?

8 A I -- if you -- not exactly, but that's --  
9 that's pretty true.

10 Q And yet, you felt it was absolutely  
11 necessary to use nearly all of their original work  
12 in order to make this one, drawn out point?

13 A How would you define "nearly all"?

14 Q Well, you used all of the excerpts, that we  
15 talked about so far, to make this one point; is that  
16 correct?

17 A Not -- well, you say "this one point," you  
18 make it seem more simple than it is. I think I said  
19 a lot more than what you're acknowledging.

20 Q Well, you said that the video has a  
21 cringe-y, pseudo pornographic message that somehow  
22 related to mayonnaise?

23 A Yes.

24 Q And all of these clips that you showed made  
25 that point?

1           A     And it's historical context. And it's  
2     about misogyny. So I'd say my thesis is about  
3     historical context, it's about misogyny, it's about  
4     this character of bold guy, who thinks he's cool,  
5     but he's actually a buffoon. It's about the  
6     director, Matt Hoss, who thinks he's making great,  
7     you know, cinema, but it's not. It's -- it's all of  
8     that stuff.

9           Q     And you feel like every excerpt that you  
10    used pretty much stands for the same idea?

11          A     I think it's definitely a common thread  
12    that you'll find throughout the video. Especially  
13    if you watch it in its entirety.

14          Q     Okay. Now, in this video that we watched,  
15    we talked about the stylistic alterations that you  
16    made to the PrankInvasion video. I noticed that you  
17    didn't make any stylistic alterations here.

18                 Why is that?

19          A     I think it's a different type -- type of a  
20    reaction video. As I said, there's kind of  
21    different types, where I think in lieu of these --  
22    these comedic sprinklings of edits, we had Hila on  
23    to give a feminine input to help build upon this  
24    case of misogyny. I don't think those clips are --  
25    are necessary to -- to, you know, in parodying, and

1 comment- -- and commentating, and transforming the  
2 clip to have new expression.

3 Q So you have felt like having Hila on this  
4 video stood in -- in place as a substitute for  
5 having stylistic alterations?

6 A Not in place; it's just, it's a different  
7 medium. It's a different -- it's a different type  
8 of expression. They don't substitute each other;  
9 one's not contingent on the other one.

10 Q Well, you -- you seem to go to great  
11 lengths to make stylistic alterations in the  
12 PrankInvasion video; you didn't really do that in  
13 this video.

14 A Is that a question?

15 Q Well, did you do that in this video?

16 MR. BAR-NISSIM: Objection. Vague and  
17 ambiguous.

18 THE WITNESS: Did I do, what, in this  
19 video?

20 BY MR. BUKHER:

21 Q Make stylistic alterations.

22 A In this video, as I've explained, I think  
23 the device to -- to -- the device that I chose, to  
24 help highlight this video, was to include Hila, for  
25 her feminine aspect, to help comment on the

1 misogyny.

2 Q Okay. So this -- this video was published,  
3 and then a little while later, as I understand it,  
4 Mr. Hoss reached out to you; is that correct?

5 A I don't recall the -- the exact duration of  
6 time, but obviously, afterwards, he reached out to  
7 me. After some -- some duration of time.

8 Q Okay. And then there was some discourse  
9 between your lawyers and Mr. Hoss's lawyers; is that  
10 correct?

11 A Yes. That's correct.

12 Q And then you published another video, "We  
13 Are Being Sued"; is that correct?

14 A Yes.

15 Q What was that about?

16 A That video was highlighting the absurdity  
17 of the -- of the -- of settlement offers, and the  
18 kind of the -- the complaints itself. It was about  
19 the lawsuit.

20 Q What about the absurdity and settlement  
21 offers?

22 A I -- well, first he -- he -- he asked for  
23 \$4,000, I think approximately, I don't remember the  
24 exact amount. Which I felt was a shakedown, and  
25 kind of a silence money, and a bad precedent to set